

Calendar No. 188

108TH CONGRESS
1ST SESSION

S. 1382

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2003

Mr. STEVENS, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2004, for military func-
6 tions administered by the Department of Defense, and for
7 other purposes, namely:

1 TITLE I

2 MILITARY PERSONNEL

3 MILITARY PERSONNEL, ARMY

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the
9 Army on active duty (except members of reserve compo-
10 nents provided for elsewhere), cadets, and aviation cadets;
11 and for payments pursuant to section 156 of Public Law
12 97–377, as amended (42 U.S.C. 402 note), and to the De-
13 partment of Defense Military Retirement Fund,
14 \$28,282,764,000.

15 MILITARY PERSONNEL, NAVY

16 For pay, allowances, individual clothing, subsistence,
17 interest on deposits, gratuities, permanent change of sta-
18 tion travel (including all expenses thereof for organiza-
19 tional movements), and expenses of temporary duty travel
20 between permanent duty stations, for members of the
21 Navy on active duty (except members of the Reserve pro-
22 vided for elsewhere), midshipmen, and aviation cadets; and
23 for payments pursuant to section 156 of Public Law 97–
24 377, as amended (42 U.S.C. 402 note), and to the Depart-

1 ment of Defense Military Retirement Fund,
2 \$23,309,791,000.

3 MILITARY PERSONNEL, MARINE CORPS

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the Ma-
9 rine Corps on active duty (except members of the Reserve
10 provided for elsewhere); and for payments pursuant to sec-
11 tion 156 of Public Law 97-377, as amended (42 U.S.C.
12 402 note), and to the Department of Defense Military Re-
13 tirement Fund, \$8,994,426,000.

14 MILITARY PERSONNEL, AIR FORCE

15 For pay, allowances, individual clothing, subsistence,
16 interest on deposits, gratuities, permanent change of sta-
17 tion travel (including all expenses thereof for organiza-
18 tional movements), and expenses of temporary duty travel
19 between permanent duty stations, for members of the Air
20 Force on active duty (except members of reserve compo-
21 nents provided for elsewhere), cadets, and aviation cadets;
22 and for payments pursuant to section 156 of Public Law
23 97-377, as amended (42 U.S.C. 402 note), and to the De-
24 partment of Defense Military Retirement Fund,
25 \$22,993,072,000.

1 RESERVE PERSONNEL, ARMY

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Army Re-
4 serve on active duty under sections 10211, 10302, and
5 3038 of title 10, United States Code, or while serving on
6 active duty under section 12301(d) of title 10, United
7 States Code, in connection with performing duty specified
8 in section 12310(a) of title 10, United States Code, or
9 while undergoing reserve training, or while performing
10 drills or equivalent duty or other duty, and for members
11 of the Reserve Officers' Training Corps, and expenses au-
12 thorized by section 16131 of title 10, United States Code;
13 and for payments to the Department of Defense Military
14 Retirement Fund, \$3,584,735,000.

15 RESERVE PERSONNEL, NAVY

16 For pay, allowances, clothing, subsistence, gratuities,
17 travel, and related expenses for personnel of the Navy Re-
18 serve on active duty under section 10211 of title 10,
19 United States Code, or while serving on active duty under
20 section 12301(d) of title 10, United States Code, in con-
21 nection with performing duty specified in section 12310(a)
22 of title 10, United States Code, or while undergoing re-
23 serve training, or while performing drills or equivalent
24 duty, and for members of the Reserve Officers' Training
25 Corps, and expenses authorized by section 16131 of title

1 10, United States Code; and for payments to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$2,027,945,000.

4 RESERVE PERSONNEL, MARINE CORPS

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Marine
7 Corps Reserve on active duty under section 10211 of title
8 10, United States Code, or while serving on active duty
9 under section 12301(d) of title 10, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going reserve training, or while performing drills or equiv-
13 alent duty, and for members of the Marine Corps platoon
14 leaders class, and expenses authorized by section 16131
15 of title 10, United States Code; and for payments to the
16 Department of Defense Military Retirement Fund,
17 \$587,619,000.

18 RESERVE PERSONNEL, AIR FORCE

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Air Force
21 Reserve on active duty under sections 10211, 10305, and
22 8038 of title 10, United States Code, or while serving on
23 active duty under section 12301(d) of title 10, United
24 States Code, in connection with performing duty specified
25 in section 12310(a) of title 10, United States Code, or

1 while undergoing reserve training, or while performing
 2 drills or equivalent duty or other duty, and for members
 3 of the Air Reserve Officers' Training Corps, and expenses
 4 authorized by section 16131 of title 10, United States
 5 Code; and for payments to the Department of Defense
 6 Military Retirement Fund, \$1,332,301,000.

7 NATIONAL GUARD PERSONNEL, ARMY

8 For pay, allowances, clothing, subsistence, gratuities,
 9 travel, and related expenses for personnel of the Army Na-
 10 tional Guard while on duty under section 10211, 10302,
 11 or 12402 of title 10 or section 708 of title 32, United
 12 States Code, or while serving on duty under section
 13 12301(d) of title 10 or section 502(f) of title 32, United
 14 States Code, in connection with performing duty specified
 15 in section 12310(a) of title 10, United States Code, or
 16 while undergoing training, or while performing drills or
 17 equivalent duty or other duty, and expenses authorized by
 18 section 16131 of title 10, United States Code; and for pay-
 19 ments to the Department of Defense Military Retirement
 20 Fund, \$5,598,504,000.

21 NATIONAL GUARD PERSONNEL, AIR FORCE

22 For pay, allowances, clothing, subsistence, gratuities,
 23 travel, and related expenses for personnel of the Air Na-
 24 tional Guard on duty under section 10211, 10305, or
 25 12402 of title 10 or section 708 of title 32, United States

1 Code, or while serving on duty under section 12301(d) of
 2 title 10 or section 502(f) of title 32, United States Code,
 3 in connection with performing duty specified in section
 4 12310(a) of title 10, United States Code, or while under-
 5 going training, or while performing drills or equivalent
 6 duty or other duty, and expenses authorized by section
 7 16131 of title 10, United States Code; and for payments
 8 to the Department of Defense Military Retirement Fund,
 9 \$2,228,830,000.

10

TITLE II

11

OPERATION AND MAINTENANCE

12

OPERATION AND MAINTENANCE, ARMY

13

(INCLUDING TRANSFER OF FUNDS)

14

For expenses, not otherwise provided for, necessary
 15 for the operation and maintenance of the Army, as author-
 16 ized by law; and not to exceed \$11,034,000 can be used
 17 for emergencies and extraordinary expenses, to be ex-
 18 pended on the approval or authority of the Secretary of
 19 the Army, and payments may be made on his certificate
 20 of necessity for confidential military purposes,
 21 \$24,922,949,000: *Provided*, That of the funds appro-
 22 priated in this paragraph, not less than \$355,000,000
 23 shall be made available only for conventional ammunition
 24 care and maintenance.

1 OPERATION AND MAINTENANCE, NAVY

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Navy and the
4 Marine Corps, as authorized by law; and not to exceed
5 \$4,463,000 can be used for emergencies and extraordinary
6 expenses, to be expended on the approval or authority of
7 the Secretary of the Navy, and payments may be made
8 on his certificate of necessity for confidential military pur-
9 poses, \$28,183,284,000.

10 OPERATION AND MAINTENANCE, MARINE CORPS

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance of the Marine Corps,
13 as authorized by law, \$3,418,023,000.

14 OPERATION AND MAINTENANCE, AIR FORCE

15 For expenses, not otherwise provided for, necessary
16 for the operation and maintenance of the Air Force, as
17 authorized by law; and not to exceed \$7,801,000 can be
18 used for emergencies and extraordinary expenses, to be ex-
19 pended on the approval or authority of the Secretary of
20 the Air Force, and payments may be made on his certifi-
21 cate of necessity for confidential military purposes,
22 \$26,698,375,000.

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1 for the same time period as the appropriations to which
2 transferred: *Provided further*, That any ceiling on the in-
3 vestment item unit cost of items that may be purchased
4 with operation and maintenance funds shall not apply to
5 the funds described in the preceding proviso: *Provided fur-*
6 *ther*, That the transfer authority provided under this head-
7 ing is in addition to any other transfer authority provided
8 elsewhere in this Act.

9 OPERATION AND MAINTENANCE, ARMY RESERVE

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance, including training, or-
12 ganization, and administration, of the Army Reserve; re-
13 pair of facilities and equipment; hire of passenger motor
14 vehicles; travel and transportation; care of the dead; re-
15 cruiting; procurement of services, supplies, and equip-
16 ment; and communications, \$1,964,009,000.

17 OPERATION AND MAINTENANCE, NAVY RESERVE

18 For expenses, not otherwise provided for, necessary
19 for the operation and maintenance, including training, or-
20 ganization, and administration, of the Navy Reserve; re-
21 pair of facilities and equipment; hire of passenger motor
22 vehicles; travel and transportation; care of the dead; re-
23 cruiting; procurement of services, supplies, and equip-
24 ment; and communications, \$1,172,921,000.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance, including training, or-
5 ganization, and administration, of the Marine Corps Re-
6 serve; repair of facilities and equipment; hire of passenger
7 motor vehicles; travel and transportation; care of the dead;
8 recruiting; procurement of services, supplies, and equip-
9 ment; and communications, \$173,952,000.

10 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Air Force Reserve;
14 repair of facilities and equipment; hire of passenger motor
15 vehicles; travel and transportation; care of the dead; re-
16 cruiting; procurement of services, supplies, and equip-
17 ment; and communications, \$2,179,188,000.

18 OPERATION AND MAINTENANCE, ARMY NATIONAL

19 GUARD

20 For expenses of training, organizing, and admin-
21 istering the Army National Guard, including medical and
22 hospital treatment and related expenses in non-Federal
23 hospitals; maintenance, operation, and repairs to struc-
24 tures and facilities; hire of passenger motor vehicles; per-
25 sonnel services in the National Guard Bureau; travel ex-

1 penses (other than mileage), as authorized by law for
2 Army personnel on active duty, for Army National Guard
3 division, regimental, and battalion commanders while in-
4 specting units in compliance with National Guard Bureau
5 regulations when specifically authorized by the Chief, Na-
6 tional Guard Bureau; supplying and equipping the Army
7 National Guard as authorized by law; and expenses of re-
8 pair, modification, maintenance, and issue of supplies and
9 equipment (including aircraft), \$4,273,131,000.

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

11 For operation and maintenance of the Air National
12 Guard, including medical and hospital treatment and re-
13 lated expenses in non-Federal hospitals; maintenance, op-
14 eration, repair, and other necessary expenses of facilities
15 for the training and administration of the Air National
16 Guard, including repair of facilities, maintenance, oper-
17 ation, and modification of aircraft; transportation of
18 things, hire of passenger motor vehicles; supplies, mate-
19 rials, and equipment, as authorized by law for the Air Na-
20 tional Guard; and expenses incident to the maintenance
21 and use of supplies, materials, and equipment, including
22 such as may be furnished from stocks under the control
23 of agencies of the Department of Defense; travel expenses
24 (other than mileage) on the same basis as authorized by
25 law for Air National Guard personnel on active Federal

1 duty, for Air National Guard commanders while inspecting
2 units in compliance with National Guard Bureau regula-
3 tions when specifically authorized by the Chief, National
4 Guard Bureau, \$4,418,616,000.

5 OVERSEAS CONTINGENCY OPERATIONS TRANSFER
6 ACCOUNT

7 (INCLUDING TRANSFER OF FUNDS)

8 For expenses directly relating to Overseas Contin-
9 gency Operations by United States military forces,
10 \$10,000,000, to remain available until expended: *Pro-*
11 *vided*, That the Secretary of Defense may transfer these
12 funds only to military personnel accounts; operation and
13 maintenance accounts within this title; the Defense Health
14 Program appropriation; procurement accounts; research,
15 development, test and evaluation accounts; and to working
16 capital funds: *Provided further*, That the funds transferred
17 shall be merged with and shall be available for the same
18 purposes and for the same time period, as the appropria-
19 tion to which transferred: *Provided further*, That upon a
20 determination that all or part of the funds transferred
21 from this appropriation are not necessary for the purposes
22 provided herein, such amounts may be transferred back
23 to this appropriation: *Provided further*, That the transfer
24 authority provided in this paragraph is in addition to any
25 other transfer authority contained elsewhere in this Act.

1 UNITED STATES COURTS OF APPEALS FOR THE ARMED
2 FORCES

3 For salaries and expenses necessary for the United
4 States Court of Appeals for the Armed Forces,
5 \$10,333,000 of which not to exceed \$2,500 can be used
6 for official representation purposes.

7 ENVIRONMENTAL RESTORATION, ARMY
8 (INCLUDING TRANSFER OF FUNDS)

9 For the Department of the Army, \$396,018,000, to
10 remain available until transferred: *Provided*, That the Sec-
11 retary of the Army shall, upon determining that such
12 funds are required for environmental restoration, reduc-
13 tion and recycling of hazardous waste, removal of unsafe
14 buildings and debris of the Department of the Army, or
15 for similar purposes, transfer the funds made available by
16 this appropriation to other appropriations made available
17 to the Department of the Army, to be merged with and
18 to be available for the same purposes and for the same
19 time period as the appropriations to which transferred:
20 *Provided further*, That upon a determination that all or
21 part of the funds transferred from this appropriation are
22 not necessary for the purposes provided herein, such
23 amounts may be transferred back to this appropriation.

1 ENVIRONMENTAL RESTORATION, NAVY

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Navy, \$256,153,000, to
4 remain available until transferred: *Provided*, That the Sec-
5 retary of the Navy shall, upon determining that such
6 funds are required for environmental restoration, reduc-
7 tion and recycling of hazardous waste, removal of unsafe
8 buildings and debris of the Department of the Navy, or
9 for similar purposes, transfer the funds made available by
10 this appropriation to other appropriations made available
11 to the Department of the Navy, to be merged with and
12 to be available for the same purposes and for the same
13 time period as the appropriations to which transferred:
14 *Provided further*, That upon a determination that all or
15 part of the funds transferred from this appropriation are
16 not necessary for the purposes provided herein, such
17 amounts may be transferred back to this appropriation.

18 ENVIRONMENTAL RESTORATION, AIR FORCE

19 (INCLUDING TRANSFER OF FUNDS)

20 For the Department of the Air Force, \$384,307,000,
21 to remain available until transferred: *Provided*, That the
22 Secretary of the Air Force shall, upon determining that
23 such funds are required for environmental restoration, re-
24 duction and recycling of hazardous waste, removal of un-
25 safe buildings and debris of the Department of the Air

1 Force, or for similar purposes, transfer the funds made
2 available by this appropriation to other appropriations
3 made available to the Department of the Air Force, to be
4 merged with and to be available for the same purposes
5 and for the same time period as the appropriations to
6 which transferred: *Provided further*, That upon a deter-
7 mination that all or part of the funds transferred from
8 this appropriation are not necessary for the purposes pro-
9 vided herein, such amounts may be transferred back to
10 this appropriation.

11 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of Defense, \$24,081,000, to re-
14 main available until transferred: *Provided*, That the Sec-
15 retary of Defense shall, upon determining that such funds
16 are required for environmental restoration, reduction and
17 recycling of hazardous waste, removal of unsafe buildings
18 and debris of the Department of Defense, or for similar
19 purposes, transfer the funds made available by this appro-
20 priation to other appropriations made available to the De-
21 partment of Defense, to be merged with and to be avail-
22 able for the same purposes and for the same time period
23 as the appropriations to which transferred: *Provided fur-*
24 *ther*, That upon a determination that all or part of the
25 funds transferred from this appropriation are not nec-

1 essary for the purposes provided herein, such amounts
 2 may be transferred back to this appropriation.

3 ENVIRONMENTAL RESTORATION, FORMERLY USED
 4 DEFENSE SITES
 5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of the Army, \$312,619,000, to
 7 remain available until transferred: *Provided*, That the Sec-
 8 retary of the Army shall, upon determining that such
 9 funds are required for environmental restoration, reduc-
 10 tion and recycling of hazardous waste, removal of unsafe
 11 buildings and debris at sites formerly used by the Depart-
 12 ment of Defense, transfer the funds made available by this
 13 appropriation to other appropriations made available to
 14 the Department of the Army, to be merged with and to
 15 be available for the same purposes and for the same time
 16 period as the appropriations to which transferred: *Pro-*
 17 *vided further*, That upon a determination that all or part
 18 of the funds transferred from this appropriation are not
 19 necessary for the purposes provided herein, such amounts
 20 may be transferred back to this appropriation.

21 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

22 For expenses relating to the Overseas Humanitarian,
 23 Disaster, and Civic Aid programs of the Department of
 24 Defense (consisting of the programs provided under sec-
 25 tions 401, 402, 404, 2547, and 2561 of title 10, United

1 States Code), \$59,000,000, to remain available until Sep-
 2 tember 30, 2005.

3 FORMER SOVIET UNION THREAT REDUCTION

4 For assistance to the republics of the former Soviet
 5 Union, including assistance provided by contract or by
 6 grants, for facilitating the elimination and the safe and
 7 secure transportation and storage of nuclear, chemical and
 8 other weapons; for establishing programs to prevent the
 9 proliferation of weapons, weapons components, and weap-
 10 on-related technology and expertise; for programs relating
 11 to the training and support of defense and military per-
 12 sonnel for demilitarization and protection of weapons,
 13 weapons components and weapons technology and exper-
 14 tise, and for defense and military contacts, \$450,800,000,
 15 to remain available until September 30, 2006: *Provided,*
 16 That of the amounts provided under this heading,
 17 \$10,000,000 shall be available only to support the disman-
 18 tling and disposal of nuclear submarines, submarine reac-
 19 tor components, and warheads in the Russian Far East.

20 TITLE III

21 PROCUREMENT

22 AIRCRAFT PROCUREMENT, ARMY

23 For construction, procurement, production, modifica-
 24 tion, and modernization of aircraft, equipment, including
 25 ordnance, ground handling equipment, spare parts, and

1 accessories therefor; specialized equipment and training
2 devices; expansion of public and private plants, including
3 the land necessary therefor, for the foregoing purposes,
4 and such lands and interests therein, may be acquired,
5 and construction prosecuted thereon prior to approval of
6 title; and procurement and installation of equipment, ap-
7 pliances, and machine tools in public and private plants;
8 reserve plant and Government and contractor-owned
9 equipment layaway; and other expenses necessary for the
10 foregoing purposes, \$2,027,285,000, to remain available
11 for obligation until September 30, 2006.

12 MISSILE PROCUREMENT, ARMY

13 For construction, procurement, production, modifica-
14 tion, and modernization of missiles, equipment, including
15 ordnance, ground handling equipment, spare parts, and
16 accessories therefor; specialized equipment and training
17 devices; expansion of public and private plants, including
18 the land necessary therefor, for the foregoing purposes,
19 and such lands and interests therein, may be acquired,
20 and construction prosecuted thereon prior to approval of
21 title; and procurement and installation of equipment, ap-
22 pliances, and machine tools in public and private plants;
23 reserve plant and Government and contractor-owned
24 equipment layaway; and other expenses necessary for the

1 foregoing purposes, \$1,444,462,000, to remain available
2 for obligation until September 30, 2006.

3 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
4 VEHICLES, ARMY

5 For construction, procurement, production, and
6 modification of weapons and tracked combat vehicles,
7 equipment, including ordnance, spare parts, and acces-
8 sories therefor; specialized equipment and training devices;
9 expansion of public and private plants, including the land
10 necessary therefor, for the foregoing purposes, and such
11 lands and interests therein, may be acquired, and con-
12 struction prosecuted thereon prior to approval of title; and
13 procurement and installation of equipment, appliances,
14 and machine tools in public and private plants; reserve
15 plant and Government and contractor-owned equipment
16 layaway; and other expenses necessary for the foregoing
17 purposes, \$1,732,004,000, to remain available for obliga-
18 tion until September 30, 2006.

19 PROCUREMENT OF AMMUNITION, ARMY

20 For construction, procurement, production, and
21 modification of ammunition, and accessories therefor; spe-
22 cialized equipment and training devices; expansion of pub-
23 lic and private plants, including ammunition facilities au-
24 thorized by section 2854 of title 10, United States Code,
25 and the land necessary therefor, for the foregoing pur-

1 poses, and such lands and interests therein, may be ac-
 2 quired, and construction prosecuted thereon prior to ap-
 3 proval of title; and procurement and installation of equip-
 4 ment, appliances, and machine tools in public and private
 5 plants; reserve plant and Government and contractor-
 6 owned equipment layaway; and other expenses necessary
 7 for the foregoing purposes, \$1,419,759,000, to remain
 8 available for obligation until September 30, 2006.

9 OTHER PROCUREMENT, ARMY

10 For construction, procurement, production, and
 11 modification of vehicles, including tactical, support, and
 12 non-tracked combat vehicles; the purchase of passenger
 13 motor vehicles for replacement only; and the purchase of
 14 4 vehicles required for physical security of personnel, not-
 15 withstanding price limitations applicable to passenger ve-
 16 hicles but not to exceed \$180,000 per vehicle; communica-
 17 tions and electronic equipment; other support equipment;
 18 spare parts, ordnance, and accessories therefor; specialized
 19 equipment and training devices; expansion of public and
 20 private plants, including the land necessary therefor, for
 21 the foregoing purposes, and such lands and interests
 22 therein, may be acquired, and construction prosecuted
 23 thereon prior to approval of title; and procurement and
 24 installation of equipment, appliances, and machine tools
 25 in public and private plants; reserve plant and Govern-

1 ment and contractor-owned equipment layaway; and other
2 expenses necessary for the foregoing purposes,
3 \$4,573,902,000, to remain available for obligation until
4 September 30, 2006.

5 AIRCRAFT PROCUREMENT, NAVY

6 For construction, procurement, production, modifica-
7 tion, and modernization of aircraft, equipment, including
8 ordnance, spare parts, and accessories therefor; specialized
9 equipment; expansion of public and private plants, includ-
10 ing the land necessary therefor, and such lands and inter-
11 ests therein, may be acquired, and construction prosecuted
12 thereon prior to approval of title; and procurement and
13 installation of equipment, appliances, and machine tools
14 in public and private plants; reserve plant and Govern-
15 ment and contractor-owned equipment layaway,
16 \$9,017,548,000, to remain available for obligation until
17 September 30, 2006.

18 WEAPONS PROCUREMENT, NAVY

19 For construction, procurement, production, modifica-
20 tion, and modernization of missiles, torpedoes, other weap-
21 ons, and related support equipment including spare parts,
22 and accessories therefor; expansion of public and private
23 plants, including the land necessary therefor, and such
24 lands and interests therein, may be acquired, and con-
25 struction prosecuted thereon prior to approval of title; and

8 For construction, procurement, production, and
9 modification of ammunition, and accessories therefor; spe-
10 cialized equipment and training devices; expansion of pub-
11 lic and private plants, including ammunition facilities au-
12 thorized by section 2854 of title 10, United States Code,
13 and the land necessary therefor, for the foregoing pur-
14 poses, and such lands and interests therein, may be ac-
15 quired, and construction prosecuted thereon prior to ap-
16 proval of title; and procurement and installation of equip-
17 ment, appliances, and machine tools in public and private
18 plants; reserve plant and Government and contractor-
19 owned equipment layaway; and other expenses necessary
20 for the foregoing purposes, \$924,355,000, to remain avail-
21 able for obligation until September 30, 2006.

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appli-

ances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

10	Carrier Replacement Program (AP),
11	\$1,186,564,000;
12	NSSN, \$1,511,935,000;
13	NSSN (AP), \$827,172,000;
14	SSGN, \$930,700,000;
15	SSGN (AP), \$236,600,000;
16	CVN Refuelings (AP), \$232,832,000;
17	SSN Submarine Refuelings, \$450,000,000;
18	SSN Submarine Refuelings (AP), \$20,351,000;
19	SSBN Submarine Refuelings (AP),
20	\$136,800,000;
21	DDG-51 Destroyer, \$3,218,311,000;
22	LPD-17, \$1,192,034,000;
23	LPD-17 (AP), \$75,000,000;
24	LHD-8, \$591,306,000;

1 LCAC Landing Craft Air Cushion,
2 \$73,087,000;

3 Prior year shipbuilding costs, \$635,502,000;

4 Service Craft, \$15,980,000; and

5 For outfitting, post delivery, conversions, and
6 first destination transportation, \$348,449,000;

7 In all: \$11,682,623,000, to remain available for obli-
8 gation until September 30, 2008: *Provided*, That addi-
9 tional obligations may be incurred after September 30,
10 2008, for engineering services, tests, evaluations, and
11 other such budgeted work that must be performed in the
12 final stage of ship construction: *Provided further*, That
13 none of the funds provided under this heading for the con-
14 struction or conversion of any naval vessel to be con-
15 structed in shipyards in the United States shall be ex-
16 pended in foreign facilities for the construction of major
17 components of such vessel: *Provided further*, That none of
18 the funds provided under this heading shall be used for
19 the construction of any naval vessel in foreign shipyards.

20 OTHER PROCUREMENT, NAVY

21 For procurement, production, and modernization of
22 support equipment and materials not otherwise provided
23 for, Navy ordnance (except ordnance for new aircraft, new
24 ships, and ships authorized for conversion); the purchase
25 of passenger motor vehicles for replacement only, and the

1 purchase of 7 vehicles required for physical security of
2 personnel, notwithstanding price limitations applicable to
3 passenger vehicles but not to exceed \$180,000 per vehicle;
4 expansion of public and private plants, including the land
5 necessary therefor, and such lands and interests therein,
6 may be acquired, and construction prosecuted thereon
7 prior to approval of title; and procurement and installation
8 of equipment, appliances, and machine tools in public and
9 private plants; reserve plant and Government and con-
10 tractor-owned equipment layaway, \$4,734,808,000, to re-
11 main available for obligation until September 30, 2006.

12 PROCUREMENT, MARINE CORPS

13 For expenses necessary for the procurement, manu-
14 facture, and modification of missiles, armament, military
15 equipment, spare parts, and accessories therefor; plant
16 equipment, appliances, and machine tools, and installation
17 thereof in public and private plants; reserve plant and
18 Government and contractor-owned equipment layaway; ve-
19 hicles for the Marine Corps, including the purchase of pas-
20 senger motor vehicles for replacement only; and expansion
21 of public and private plants, including land necessary
22 therefor, and such lands and interests therein, may be ac-
23 quired, and construction prosecuted thereon prior to ap-
24 proval of title, \$1,090,399,000, to remain available for ob-
25 ligation until September 30, 2006.

1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For construction, procurement, and modification of
3 aircraft and equipment, including armor and armament,
4 specialized ground handling equipment, and training de-
5 vices, spare parts, and accessories therefor; specialized
6 equipment; expansion of public and private plants, Gov-
7 ernment-owned equipment and installation thereof in such
8 plants, erection of structures, and acquisition of land, for
9 the foregoing purposes, and such lands and interests
10 therein, may be acquired, and construction prosecuted
11 thereon prior to approval of title; reserve plant and Gov-
12 ernment and contractor-owned equipment layaway; and
13 other expenses necessary for the foregoing purposes in-
14 cluding rents and transportation of things,
15 \$11,997,460,000, to remain available for obligation until
16 September 30, 2006.

17 MISSILE PROCUREMENT, AIR FORCE

18 For construction, procurement, and modification of
19 missiles, spacecraft, rockets, and related equipment, in-
20 cluding spare parts and accessories therefor, ground han-
21 dling equipment, and training devices; expansion of public
22 and private plants, Government-owned equipment and in-
23 stallation thereof in such plants, erection of structures,
24 and acquisition of land, for the foregoing purposes, and
25 such lands and interests therein, may be acquired, and

1 construction prosecuted thereon prior to approval of title;
2 reserve plant and Government and contractor-owned
3 equipment layaway; and other expenses necessary for the
4 foregoing purposes including rents and transportation of
5 things, \$4,215,333,000, to remain available for obligation
6 until September 30, 2006.

7 PROCUREMENT OF AMMUNITION, AIR FORCE

8 For construction, procurement, production, and
9 modification of ammunition, and accessories therefor; spe-
10 cialized equipment and training devices; expansion of pub-
11 lic and private plants, including ammunition facilities au-
12 thorized by section 2854 of title 10, United States Code,
13 and the land necessary therefor, for the foregoing pur-
14 poses, and such lands and interests therein, may be ac-
15 quired, and construction prosecuted thereon prior to ap-
16 proval of title; and procurement and installation of equip-
17 ment, appliances, and machine tools in public and private
18 plants; reserve plant and Government and contractor-
19 owned equipment layaway; and other expenses necessary
20 for the foregoing purposes, \$1,265,582,000, to remain
21 available for obligation until September 30, 2006.

22 OTHER PROCUREMENT, AIR FORCE

23 For procurement and modification of equipment (in-
24 cluding ground guidance and electronic control equipment,
25 and ground electronic and communication equipment),

1 and supplies, materials, and spare parts therefor, not oth-
2 erwise provided for; the purchase of passenger motor vehi-
3 cles for replacement only, and the purchase of 1 vehicle
4 required for physical security of personnel, notwith-
5 standing price limitations applicable to passenger vehicles
6 but not to exceed \$180,000 per vehicle; lease of passenger
7 motor vehicles; and expansion of public and private plants,
8 Government-owned equipment and installation thereof in
9 such plants, erection of structures, and acquisition of land,
10 for the foregoing purposes, and such lands and interests
11 therein, may be acquired, and construction prosecuted
12 thereon, prior to approval of title; reserve plant and Gov-
13 ernment and contractor-owned equipment layaway,
14 \$11,536,097,000, to remain available for obligation until
15 September 30, 2006.

16 PROCUREMENT, DEFENSE-WIDE

17 For expenses of activities and agencies of the Depart-
18 ment of Defense (other than the military departments)
19 necessary for procurement, production, and modification
20 of equipment, supplies, materials, and spare parts there-
21 for, not otherwise provided for; the purchase of passenger
22 motor vehicles for replacement only; and the purchase of
23 4 vehicles required for physical security of personnel, not-
24 withstanding price limitations applicable to passenger ve-
25 hicles but not to exceed \$180,000 per vehicle; expansion

1 of public and private plants, equipment, and installation
2 thereof in such plants, erection of structures, and acquisi-
3 tion of land for the foregoing purposes, and such lands
4 and interests therein, may be acquired, and construction
5 prosecuted thereon prior to approval of title; reserve plant
6 and Government and contractor-owned equipment lay-
7 away, \$3,568,851,000, to remain available for obligation
8 until September 30, 2006.

9 NATIONAL GUARD AND RESERVE EQUIPMENT

10 For procurement of aircraft, missiles, tracked combat
11 vehicles, ammunition, other weapons, and other procure-
12 ment for the reserve components of the Armed Forces,
13 \$700,000,000, to remain available for obligation until Sep-
14 tember 30, 2006: *Provided*, That the Chiefs of the Reserve
15 and National Guard components shall, not later than 30
16 days after the enactment of this Act, individually submit
17 to the congressional defense committees the modernization
18 priority assessment for their respective Reserve or Na-
19 tional Guard component.

20 DEFENSE PRODUCTION ACT PURCHASES

21 For activities by the Department of Defense pursuant
22 to sections 108, 301, 302, and 303 of the Defense Produc-
23 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
24 2093), \$77,516,000, to remain available until expended.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TEST AND
3 EVALUATION
4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$9,513,048,000, to remain avail-
10 able for obligation until September 30, 2005.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$14,886,381,000, to remain avail-
17 able for obligation until September 30, 2005: *Provided*,
18 That funds appropriated in this paragraph which are
19 available for the V-22 may be used to meet unique oper-
20 ational requirements of the Special Operations Forces:
21 *Provided further*, That funds appropriated in this para-
22 graph shall be available for the Cobra Judy program.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 AIR FORCE

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, \$20,086,290,000, to remain avail-
7 able for obligation until September 30, 2005.

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
9 DEFENSE-WIDE

10 For expenses of activities and agencies of the Depart-
11 ment of Defense (other than the military departments),
12 necessary for basic and applied scientific research, devel-
13 opment, test and evaluation; advanced research projects
14 as may be designated and determined by the Secretary
15 of Defense, pursuant to law; maintenance, rehabilitation,
16 lease, and operation of facilities and equipment,
17 \$18,774,428,000, to remain available for obligation until
18 September 30, 2005.

19 OPERATIONAL TEST AND EVALUATION, DEFENSE

20 For expenses, not otherwise provided for, necessary
21 for the independent activities of the Director, Operational
22 Test and Evaluation, in the direction and supervision of
23 operational test and evaluation, including initial oper-
24 ational test and evaluation which is conducted prior to,
25 and in support of, production decisions; joint operational

1 testing and evaluation; and administrative expenses in
 2 connection therewith, \$304,761,000, to remain available
 3 for obligation until September 30, 2005.

4 TITLE V

5 REVOLVING AND MANAGEMENT FUNDS

6 DEFENSE WORKING CAPITAL FUNDS

7 For the Defense Working Capital Funds,
 8 \$1,449,007,000: *Provided*, That during fiscal year 2004,
 9 funds in the Defense Working Capital Funds may be used
 10 for the purchase of not to exceed 4 passenger motor vehi-
 11 cles for replacement only for the Defense Logistics Agen-
 12 cy.

13 NATIONAL DEFENSE SEALIFT FUND

14 For National Defense Sealift Fund programs,
 15 projects, and activities, and for expenses of the National
 16 Defense Reserve Fleet, as established by section 11 of the
 17 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
 18 and for the necessary expenses to maintain and preserve
 19 a U.S.-flag merchant fleet to serve the national security
 20 needs of the United States, \$344,148,000, to remain avail-
 21 able until expended: *Provided*, That none of the funds pro-
 22 vided in this paragraph shall be used to award a new con-
 23 tract that provides for the acquisition of any of the fol-
 24 lowing major components unless such components are
 25 manufactured in the United States: auxiliary equipment,

1 including pumps, for all shipboard services; propulsion
2 system components (that is; engines, reduction gears, and
3 propellers); shipboard cranes; and spreaders for shipboard
4 cranes: *Provided further*, That the exercise of an option
5 in a contract awarded through the obligation of previously
6 appropriated funds shall not be considered to be the award
7 of a new contract: *Provided further*, That the Secretary
8 of the military department responsible for such procure-
9 ment may waive the restrictions in the first proviso on
10 a case-by-case basis by certifying in writing to the Com-
11 mittees on Appropriations of the House of Representatives
12 and the Senate that adequate domestic supplies are not
13 available to meet Department of Defense requirements on
14 a timely basis and that such an acquisition must be made
15 in order to acquire capability for national security pur-
16 poses: *Provided further*, That, notwithstanding any other
17 provision of law, \$8,500,000 of the funds available under
18 this heading shall be available in addition to other
19 amounts otherwise available, only to finance the cost of
20 constructing additional sealift capacity.

21 TITLE VI

22 OTHER DEPARTMENT OF DEFENSE PROGRAMS

23 DEFENSE HEALTH PROGRAM

24 For expenses, not otherwise provided for, for medical
25 and health care programs of the Department of Defense,

1 as authorized by law, \$15,656,913,000, of which
2 \$14,918,791,000 shall be for Operation and maintenance,
3 of which not to exceed 2 percent shall remain available
4 until September 30, 2005, and of which not more than
5 \$7,420,972,000 shall be available for contracts entered
6 into under the TRICARE program; of which
7 \$327,826,000, to remain available for obligation until Sep-
8 tember 30, 2006, shall be for Procurement; of which
9 \$410,296,000, to remain available for obligation until Sep-
10 tember 30, 2005, shall be for Research, development, test
11 and evaluation.

12 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
13 ARMY

14 For expenses, not otherwise provided for, necessary
15 for the destruction of the United States stockpile of lethal
16 chemical agents and munitions in accordance with the pro-
17 visions of section 1412 of the Department of Defense Au-
18 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
19 struction of other chemical warfare materials that are not
20 in the chemical weapon stockpile, \$1,620,076,000, of
21 which \$1,169,168,000 shall be for Operation and mainte-
22 nance to remain available until September 30, 2005;
23 \$79,212,000 shall be for Procurement to remain available
24 until September 30, 2006; \$251,881,000 shall be for Re-
25 search, development, test and evaluation to remain avail-

1 able until September 30, 2005; \$119,815,000 shall be for
 2 military construction to remain available until September
 3 30, 2008: *Provided*, That, notwithstanding any other pro-
 4 vision of law, \$10,000,000 of the funds available under
 5 this heading shall be expended only to fund Chemical
 6 Stockpile Emergency Preparedness Program evacuation
 7 route improvements in Calhoun County, Alabama.

8 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
 9 DEFENSE

10 (INCLUDING TRANSFER OF FUNDS)

11 For drug interdiction and counter-drug activities of
 12 the Department of Defense, for transfer to appropriations
 13 available to the Department of Defense for military per-
 14 sonnel of the reserve components serving under the provi-
 15 sions of title 10 and title 32, United States Code; for Op-
 16 eration and maintenance; for Procurement; and for Re-
 17 search, development, test and evaluation, \$832,371,000:
 18 *Provided*, That the funds appropriated under this heading
 19 shall be available for obligation for the same time period
 20 and for the same purpose as the appropriation to which
 21 transferred: *Provided further*, That upon a determination
 22 that all or part of the funds transferred from this appro-
 23 priation are not necessary for the purposes provided here-
 24 in, such amounts may be transferred back to this appro-
 25 priation: *Provided further*, That the transfer authority pro-

1 vided under this heading is in addition to any other trans-
2 fer authority contained elsewhere in this Act.

3 OFFICE OF THE INSPECTOR GENERAL

4 For expenses and activities of the Office of the In-
5 spector General in carrying out the provisions of the In-
6 spector General Act of 1978, as amended, \$162,449,000,
7 of which \$160,049,000 shall be for Operation and mainte-
8 nance, of which not to exceed \$700,000, is available for
9 emergencies and extraordinary expenses to be expended on
10 the approval or authority of the Inspector General, and
11 payments may be made on the Inspector General's certifi-
12 cate of necessity for confidential military purposes and of
13 which \$300,000, to remain available until September 30,
14 2005, shall be for Research, development, test and evalua-
15 tion; and of which \$2,100,000, to remain available until
16 September 30, 2006, shall be for Procurement.

17 TITLE VII

18 RELATED AGENCIES

19 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
20 DISABILITY SYSTEM FUND

21 For payment to the Central Intelligence Agency Re-
22 tirement and Disability System Fund, to maintain the
23 proper funding level for continuing the operation of the
24 Central Intelligence Agency Retirement and Disability
25 System, \$226,400,000.

1 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Intelligence Commu-
4 nity Management Account, \$165,390,000, of which
5 \$26,081,000 for the Advanced Research and Development
6 Committee shall remain available until September 30,
7 2005: *Provided*, That of the funds appropriated under this
8 heading, \$34,100,000 shall be transferred to the Depart-
9 ment of Justice for the National Drug Intelligence Center
10 to support the Department of Defense's counter-drug in-
11 telligence responsibilities, and of the said amount,
12 \$1,500,000 for Procurement shall remain available until
13 September 30, 2006 and \$1,000,000 for Research, devel-
14 opment, test and evaluation shall remain available until
15 September 30, 2005: *Provided further*, That the National
16 Drug Intelligence Center shall maintain the personnel and
17 technical resources to provide timely support to law en-
18 forcement authorities and the intelligence community by
19 conducting document and computer exploitation of mate-
20 rials collected in Federal, State, and local law enforcement
21 activity associated with counter-drug, counter-terrorism,
22 and national security investigations and operations.

1 PAYMENT TO KAHO'OLAWA ISLAND CONVEYANCE, RE-
 2 MEDIATION, AND ENVIRONMENTAL RESTORATION
 3 FUND

4 For payment to Kaho'olawe Island Conveyance, Re-
 5 mediation, and Environmental Restoration Fund, as au-
 6 thorized by law, \$18,430,000, to remain available until ex-
 7 pended.

8 NATIONAL SECURITY EDUCATION TRUST FUND

9 For the purposes of title VIII of Public Law 102-
 10 183, \$8,000,000, to be derived from the National Security
 11 Education Trust Fund, to remain available until ex-
 12 pended.

13 TITLE VIII

14 GENERAL PROVISIONS

15 SEC. 8001. No part of any appropriation contained
 16 in this Act shall be used for publicity or propaganda pur-
 17 poses not authorized by the Congress.

18 SEC. 8002. During the current fiscal year, provisions
 19 of law prohibiting the payment of compensation to, or em-
 20 ployment of, any person not a citizen of the United States
 21 shall not apply to personnel of the Department of Defense:
 22 *Provided*, That salary increases granted to direct and indi-
 23 rect hire foreign national employees of the Department of
 24 Defense funded by this Act shall not be at a rate in excess
 25 of the percentage increase authorized by law for civilian

1 employees of the Department of Defense whose pay is
2 computed under the provisions of section 5332 of title 5,
3 United States Code, or at a rate in excess of the percent-
4 age increase provided by the appropriate host nation to
5 its own employees, whichever is higher: *Provided further,*
6 That this section shall not apply to Department of De-
7 fense foreign service national employees serving at United
8 States diplomatic missions whose pay is set by the Depart-
9 ment of State under the Foreign Service Act of 1980: *Pro-*
10 *vided further,* That the limitations of this provision shall
11 not apply to foreign national employees of the Department
12 of Defense in the Republic of Turkey.

13 SEC. 8003. No part of any appropriation contained
14 in this Act shall remain available for obligation beyond
15 the current fiscal year, unless expressly so provided herein.

16 SEC. 8004. No more than 20 percent of the appro-
17 priations in this Act which are limited for obligation dur-
18 ing the current fiscal year shall be obligated during the
19 last 2 months of the fiscal year: *Provided,* That this sec-
20 tion shall not apply to obligations for support of active
21 duty training of reserve components or summer camp
22 training of the Reserve Officers' Training Corps.

23 (TRANSFER OF FUNDS)

24 SEC. 8005. Upon determination by the Secretary of
25 Defense that such action is necessary in the national inter-
26 est, he may, with the approval of the Office of Manage-

1 ment and Budget, transfer not to exceed \$2,100,000,000
2 of working capital funds of the Department of Defense
3 or funds made available in this Act to the Department
4 of Defense for military functions (except military con-
5 struction) between such appropriations or funds or any
6 subdivision thereof, to be merged with and to be available
7 for the same purposes, and for the same time period, as
8 the appropriation or fund to which transferred: *Provided*,
9 That such authority to transfer may not be used unless
10 for higher priority items, based on unforeseen military re-
11 quirements, than those for which originally appropriated
12 and in no case where the item for which funds are re-
13 quested has been denied by the Congress: *Provided further*,
14 That the Secretary of Defense shall notify the Congress
15 promptly of all transfers made pursuant to this authority
16 or any other authority in this Act: *Provided further*, That
17 no part of the funds in this Act shall be available to pre-
18 pare or present a request to the Committees on Appropria-
19 tions for reprogramming of funds, unless for higher pri-
20 ority items, based on unforeseen military requirements,
21 than those for which originally appropriated and in no
22 case where the item for which reprogramming is requested
23 has been denied by the Congress: *Provided further*, That
24 a request for multiple reprogrammings of funds using au-

1 thority provided in this section must be made prior to
2 June 30, 2004.

3 (TRANSFER OF FUNDS)

4 SEC. 8006. During the current fiscal year, cash bal-
5 ances in working capital funds of the Department of De-
6 fense established pursuant to section 2208 of title 10,
7 United States Code, may be maintained in only such
8 amounts as are necessary at any time for cash disburse-
9 ments to be made from such funds: *Provided*, That trans-
10 fers may be made between such funds: *Provided further*,
11 That transfers may be made between working capital
12 funds and the “Foreign Currency Fluctuations, Defense”
13 appropriation and the “Operation and Maintenance” ap-
14 propriation accounts in such amounts as may be deter-
15 mined by the Secretary of Defense, with the approval of
16 the Office of Management and Budget, except that such
17 transfers may not be made unless the Secretary of Defense
18 has notified the Congress of the proposed transfer. Except
19 in amounts equal to the amounts appropriated to working
20 capital funds in this Act, no obligations may be made
21 against a working capital fund to procure or increase the
22 value of war reserve material inventory, unless the Sec-
23 retary of Defense has notified the Congress prior to any
24 such obligation.

25 SEC. 8007. Funds appropriated by this Act may not
26 be used to initiate a special access program without prior

1 notification 30 calendar days in session in advance to the
2 congressional defense committees.

3 SEC. 8008. None of the funds provided in this Act
4 shall be available to initiate: (1) a multiyear contract that
5 employs economic order quantity procurement in excess of
6 \$20,000,000 in any 1 year of the contract or that includes
7 an unfunded contingent liability in excess of \$20,000,000;
8 or (2) a contract for advance procurement leading to a
9 multiyear contract that employs economic order quantity
10 procurement in excess of \$20,000,000 in any 1 year, un-
11 less the congressional defense committees have been noti-
12 fied at least 30 days in advance of the proposed contract
13 award: *Provided*, That no part of any appropriation con-
14 tained in this Act shall be available to initiate a multiyear
15 contract for which the economic order quantity advance
16 procurement is not funded at least to the limits of the
17 Government's liability: *Provided further*, That no part of
18 any appropriation contained in this Act shall be available
19 to initiate multiyear procurement contracts for any sys-
20 tems or component thereof if the value of the multiyear
21 contract would exceed \$500,000,000 unless specifically
22 provided in this Act: *Provided further*, That no multiyear
23 procurement contract can be terminated without 10-day
24 prior notification to the congressional defense committees:
25 *Provided further*, That the execution of multiyear author-

1 ity shall require the use of a present value analysis to de-
2 termine lowest cost compared to an annual procurement.

3 Funds appropriated in title III of this Act may be
4 used for multiyear procurement contracts as follows:

5 C-130 aircraft;
6 and F/A-18E and F engine;
7 F/A-18 aircraft;
8 E-2C aircraft; and
9 Virginia Class Submarine:

10 *Provided*, That the Secretary of the Navy may not enter
11 into a multiyear contract for the procurement of more
12 than one Virginia Class Submarine per year.

13 SEC. 8009. Within the funds appropriated for the op-
14 eration and maintenance of the Armed Forces, funds are
15 hereby appropriated pursuant to section 401 of title 10,
16 United States Code, for humanitarian and civic assistance
17 costs under chapter 20 of title 10, United States Code.
18 Such funds may also be obligated for humanitarian and
19 civic assistance costs incidental to authorized operations
20 and pursuant to authority granted in section 401 of chap-
21 ter 20 of title 10, United States Code, and these obliga-
22 tions shall be reported as required by section 401(d) of
23 title 10, United States Code: *Provided*, That funds avail-
24 able for operation and maintenance shall be available for
25 providing humanitarian and similar assistance by using

1 Civic Action Teams in the Trust Territories of the Pacific
2 Islands and freely associated states of Micronesia, pursu-
3 ant to the Compact of Free Association as authorized by
4 Public Law 99–239: *Provided further*, That upon a deter-
5 mination by the Secretary of the Army that such action
6 is beneficial for graduate medical education programs con-
7 ducted at Army medical facilities located in Hawaii, the
8 Secretary of the Army may authorize the provision of med-
9 ical services at such facilities and transportation to such
10 facilities, on a nonreimbursable basis, for civilian patients
11 from American Samoa, the Commonwealth of the North-
12 ern Mariana Islands, the Marshall Islands, the Federated
13 States of Micronesia, Palau, and Guam.

14 SEC. 8010. (a) During fiscal year 2004, the civilian
15 personnel of the Department of Defense may not be man-
16 aged on the basis of any end-strength, and the manage-
17 ment of such personnel during that fiscal year shall not
18 be subject to any constraint or limitation (known as an
19 end-strength) on the number of such personnel who may
20 be employed on the last day of such fiscal year.

21 (b) The fiscal year 2005 budget request for the De-
22 partment of Defense as well as all justification material
23 and other documentation supporting the fiscal year 2005
24 Department of Defense budget request shall be prepared
25 and submitted to the Congress as if subsections (a) and

1 (b) of this provision were effective with regard to fiscal
2 year 2005.

3 (c) Nothing in this section shall be construed to apply
4 to military (civilian) technicians.

5 SEC. 8011. None of the funds appropriated in this
6 or any other Act may be used to initiate a new installation
7 overseas without 30-day advance notification to the Com-
8 mittees on Appropriations.

9 SEC. 8012. None of the funds made available by this
10 Act shall be used in any way, directly or indirectly, to in-
11 fluence congressional action on any legislation or appro-
12 priation matters pending before the Congress.

13 SEC. 8013. None of the funds appropriated by this
14 Act shall be available for the basic pay and allowances of
15 any member of the Army participating as a full-time stu-
16 dent and receiving benefits paid by the Secretary of Vet-
17 erans Affairs from the Department of Defense Education
18 Benefits Fund when time spent as a full-time student is
19 credited toward completion of a service commitment: *Pro-*
20 *vided*, That this subsection shall not apply to those mem-
21 bers who have reenlisted with this option prior to October
22 1, 1987: *Provided further*, That this subsection applies
23 only to active components of the Army.

24 SEC. 8014. None of the funds appropriated by this
25 Act or hereafter shall be available to convert to contractor

1 performance an activity or function of the Department of
2 Defense that, on or after the date of the enactment of
3 this Act, is performed by more than 10 Department of
4 Defense civilian employees until a most efficient and cost-
5 effective organization analysis is completed on such activ-
6 ity or function and certification of the analysis is made
7 to the Committees on Appropriations of the House of Rep-
8 resentatives and the Senate: *Provided*, That this section
9 and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall
10 not apply to a commercial or industrial type function of
11 the Department of Defense that: (1) is included on the
12 procurement list established pursuant to section 2 of the
13 Act of June 25, 1938 (41 U.S.C. 47), popularly referred
14 to as the Javits-Wagner-O'Day Act; (2) is planned to be
15 converted to performance by a qualified nonprofit agency
16 for the blind or by a qualified nonprofit agency for other
17 severely handicapped individuals in accordance with that
18 Act; or (3) is planned to be converted to performance by
19 a qualified firm under 51 percent ownership by an Indian
20 tribe, as defined in section 450b(e) of title 25, United
21 States Code, or a Native Hawaiian organization, as de-
22 fined in section 637(a)(15) of title 15, United States Code:
23 *Provided further*, That the conversion of any activity or
24 function of the Department of Defense under the author-
25 ity provided herein shall be credited toward any competi-

1 tive or outsourcing goal, target or measurement that may
 2 be established by statute, regulation or policy and shall
 3 be deemed to be awarded under the authority of and in
 4 compliance with Public Law 98–369, Div. B, Title VII,
 5 sections 2723(a) and 2727(b) (codified at 10 U.S.C.
 6 2304) for the competition or outsourcing of commercial
 7 activities.

8 (TRANSFER OF FUNDS)

9 SEC. 8015. Funds appropriated in title III of this Act
 10 for the Department of Defense Pilot Mentor-Protege Pro-
 11 gram may be transferred to any other appropriation con-
 12 tained in this Act solely for the purpose of implementing
 13 a Mentor-Protege Program developmental assistance
 14 agreement pursuant to section 831 of the National De-
 15 fense Authorization Act for Fiscal Year 1991 (Public Law
 16 101–510; 10 U.S.C. 2301 note), as amended, under the
 17 authority of this provision or any other transfer authority
 18 contained in this Act.

19 SEC. 8016. None of the funds in this Act may be
 20 available for the purchase by the Department of Defense
 21 (and its departments and agencies) of welded shipboard
 22 anchor and mooring chain 4 inches in diameter and under
 23 unless the anchor and mooring chain are manufactured
 24 in the United States from components which are substan-
 25 tially manufactured in the United States: *Provided*, That
 26 for the purpose of this section manufactured will include

1 cutting, heat treating, quality control, testing of chain and
2 welding (including the forging and shot blasting process):
3 *Provided further*, That for the purpose of this section sub-
4 stantially all of the components of anchor and mooring
5 chain shall be considered to be produced or manufactured
6 in the United States if the aggregate cost of the compo-
7 nents produced or manufactured in the United States ex-
8 ceeds the aggregate cost of the components produced or
9 manufactured outside the United States: *Provided further*,
10 That when adequate domestic supplies are not available
11 to meet Department of Defense requirements on a timely
12 basis, the Secretary of the service responsible for the pro-
13 curement may waive this restriction on a case-by-case
14 basis by certifying in writing to the Committees on Appro-
15 priations that such an acquisition must be made in order
16 to acquire capability for national security purposes.

17 SEC. 8017. None of the funds appropriated by this
18 Act available for the Civilian Health and Medical Program
19 of the Uniformed Services (CHAMPUS) or TRICARE
20 shall be available for the reimbursement of any health care
21 provider for inpatient mental health service for care re-
22 ceived when a patient is referred to a provider of inpatient
23 mental health care or residential treatment care by a med-
24 ical or health care professional having an economic inter-
25 est in the facility to which the patient is referred: *Pro-*

1 *vided*, That this limitation does not apply in the case of
2 inpatient mental health services provided under the pro-
3 gram for persons with disabilities under subsection (d) of
4 section 1079 of title 10, United States Code, provided as
5 partial hospital care, or provided pursuant to a waiver au-
6 thorized by the Secretary of Defense because of medical
7 or psychological circumstances of the patient that are con-
8 firmed by a health professional who is not a Federal em-
9 ployee after a review, pursuant to rules prescribed by the
10 Secretary, which takes into account the appropriate level
11 of care for the patient, the intensity of services required
12 by the patient, and the availability of that care.

13 SEC. 8018. Notwithstanding any other provision of
14 law, during the current fiscal year, the Secretary of De-
15 fense may, by executive agreement, establish with host na-
16 tion governments in NATO member states a separate ac-
17 count into which such residual value amounts negotiated
18 in the return of United States military installations in
19 NATO member states may be deposited, in the currency
20 of the host nation, in lieu of direct monetary transfers to
21 the United States Treasury: *Provided*, That such credits
22 may be utilized only for the construction of facilities to
23 support United States military forces in that host nation,
24 or such real property maintenance and base operating
25 costs that are currently executed through monetary trans-

1 fers to such host nations: *Provided further*, That the De-
2 partment of Defense's budget submission for fiscal year
3 2004 shall identify such sums anticipated in residual value
4 settlements, and identify such construction, real property
5 maintenance or base operating costs that shall be funded
6 by the host nation through such credits: *Provided further*,
7 That all military construction projects to be executed from
8 such accounts must be previously approved in a prior Act
9 of Congress: *Provided further*, That each such executive
10 agreement with a NATO member host nation shall be re-
11 ported to the congressional defense committees, the Com-
12 mittee on International Relations of the House of Rep-
13 resentatives and the Committee on Foreign Relations of
14 the Senate 30 days prior to the conclusion and endorse-
15 ment of any such agreement established under this provi-
16 sion.

17 SEC. 8019. None of the funds available to the De-
18 partment of Defense may be used to demilitarize or dis-
19 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
20 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

21 SEC. 8020. No more than \$500,000 of the funds ap-
22 propriated or made available in this Act shall be used dur-
23 ing a single fiscal year for any single relocation of an orga-
24 nization, unit, activity or function of the Department of
25 Defense into or within the National Capital Region: *Pro-*

1 *vided*, That the Secretary of Defense may waive this re-
2 striction on a case-by-case basis by certifying in writing
3 to the congressional defense committees that such a relo-
4 cation is required in the best interest of the Government.

5 SEC. 8021. In addition to the funds provided else-
6 where in this Act, \$8,000,000 is appropriated only for in-
7 centive payments authorized by Section 504 of the Indian
8 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That
9 a prime contractor or a subcontractor at any tier that
10 makes a subcontract award to any subcontractor or sup-
11 plier as defined in 25 U.S.C. 1544 or a small business
12 owned and controlled by an individual or individuals de-
13 fined under 25 U.S.C. 4221(9) shall be considered a con-
14 tractor for the purposes of being allowed additional com-
15 pensation under section 504 of the Indian Financing Act
16 of 1974 (25 U.S.C. 1544) whenever the prime contract
17 or subcontract amount is over \$500,000 and involves the
18 expenditure of funds appropriated by an Act making Ap-
19 propriations for the Department of Defense with respect
20 to any fiscal year: *Provided further*, That notwithstanding
21 41 U.S.C. § 430, this section shall be applicable to any
22 Department of Defense acquisition of supplies or services,
23 including any contract and any subcontract at any tier for
24 acquisition of commercial items produced or manufac-
25 tured, in whole or in part by any subcontractor or supplier

1 defined in 25 U.S.C. §1544 or a small business owned
2 and controlled by an individual or individuals defined
3 under 25 U.S.C. 4221(9): *Provided further*, That busi-
4 nesses certified as 8(a) by the Small Business Administra-
5 tion pursuant to section 8(a)(15) of Public Law 85–536,
6 as amended, shall have the same status as other program
7 participants under section 602 of Public Law 100–656,
8 102 Stat. 3825 (Business Opportunity Development Re-
9 form Act of 1988) for purposes of contracting with agen-
10 cies of the Department of Defense.

11 SEC. 8022. None of the funds appropriated by this
12 Act shall be available to perform any cost study pursuant
13 to the provisions of OMB Circular A–76 if the study being
14 performed exceeds a period of 24 months after initiation
15 of such study with respect to a single function activity or
16 30 months after initiation of such study for a multi-func-
17 tion activity.

18 SEC. 8023. Funds appropriated by this Act for the
19 American Forces Information Service shall not be used for
20 any national or international political or psychological ac-
21 tivities.

22 SEC. 8024. Notwithstanding any other provision of
23 law or regulation, the Secretary of Defense may adjust
24 wage rates for civilian employees hired for certain health
25 care occupations as authorized for the Secretary of Vet-

1 erans Affairs by section 7455 of title 38, United States
2 Code.

3 SEC. 8025. (a) Of the funds for the procurement of
4 supplies or services appropriated by this Act and here-
5 after, qualified nonprofit agencies for the blind or other
6 severely handicapped shall be afforded the maximum prac-
7 ticable opportunity to participate as subcontractors and
8 suppliers in the performance of contracts let by the De-
9 partment of Defense.

10 (b) During the current fiscal year and hereafter, a
11 business concern which has negotiated with a military
12 service or defense agency a subcontracting plan for the
13 participation by small business concerns pursuant to sec-
14 tion 8(d) of the Small Business Act (15 U.S.C. 637(d))
15 shall be given credit toward meeting that subcontracting
16 goal for any purchases made from qualified nonprofit
17 agencies for the blind or other severely handicapped.

18 (c) For the purpose of this section, the phrase “quali-
19 fied nonprofit agency for the blind or other severely handi-
20 capped” means a nonprofit agency for the blind or other
21 severely handicapped that has been approved by the Com-
22 mittee for the Purchase from the Blind and Other Severely
23 Handicapped under the Javits-Wagner-O’Day Act (41
24 U.S.C. 46–48).

1 SEC. 8026. During the current fiscal year, net re-
 2 cepts pursuant to collections from third party payers pur-
 3 suant to section 1095 of title 10, United States Code, shall
 4 be made available to the local facility of the uniformed
 5 services responsible for the collections and shall be over
 6 and above the facility's direct budget amount.

7 SEC. 8027. During the current fiscal year, the De-
 8 partment of Defense is authorized to incur obligations of
 9 not to exceed \$350,000,000 for purposes specified in sec-
 10 tion 2350j(c) of title 10, United States Code, in anticipa-
 11 tion of receipt of contributions, only from the Government
 12 of Kuwait, under that section: *Provided*, That upon re-
 13 ceipt, such contributions from the Government of Kuwait
 14 shall be credited to the appropriations or fund which in-
 15 curred such obligations.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8028. Of the funds made available in this Act,
 18 not less than \$24,758,000 shall be available for the Civil
 19 Air Patrol Corporation: *Provided*, That funds identified
 20 for "Civil Air Patrol" under this section are intended for
 21 and shall be for the exclusive use of the Civil Air Patrol
 22 Corporation and not for the Air Force or any unit thereof.

23 SEC. 8029. (a) None of the funds appropriated in this
 24 Act are available to establish a new Department of De-
 25 fense (department) federally funded research and develop-
 26 ment center (FFRDC), either as a new entity, or as a

1 separate entity administrated by an organization man-
2 aging another FFRDC, or as a nonprofit membership cor-
3 poration consisting of a consortium of other FFRDCs and
4 other non-profit entities.

5 (b) No member of a Board of Directors, Trustees,
6 Overseers, Advisory Group, Special Issues Panel, Visiting
7 Committee, or any similar entity of a defense FFRDC,
8 and no paid consultant to any defense FFRDC, except
9 when acting in a technical advisory capacity, may be com-
10 pensated for his or her services as a member of such enti-
11 ty, or as a paid consultant by more than one FFRDC in
12 a fiscal year: *Provided*, That a member of any such entity
13 referred to previously in this subsection shall be allowed
14 travel expenses and per diem as authorized under the Fed-
15 eral Joint Travel Regulations, when engaged in the per-
16 formance of membership duties.

17 (c) Notwithstanding any other provision of law, none
18 of the funds available to the department from any source
19 during fiscal year 2004 may be used by a defense FFRDC,
20 through a fee or other payment mechanism, for construc-
21 tion of new buildings, for payment of cost sharing for
22 projects funded by Government grants, for absorption of
23 contract overruns, or for certain charitable contributions,
24 not to include employee participation in community service
25 and/or development.

1 (d) Notwithstanding any other provision of law, of
2 the funds available to the department during fiscal year
3 2004, not more than 6,450 staff years of technical effort
4 (staff years) may be funded for defense FFRDCs: *Pro-*
5 *vided*, That of the specific amount referred to previously
6 in this subsection, not more than 1,050 staff years may
7 be funded for the defense studies and analysis FFRDCs.

8 (e) The Secretary of Defense shall, with the submis-
9 sion of the department's fiscal year 2005 budget request,
10 submit a report presenting the specific amounts of staff
11 years of technical effort to be allocated for each defense
12 FFRDC during that fiscal year.

13 (f) Notwithstanding any other provision of this Act,
14 the total amount appropriated in this Act for FFRDCs
15 is hereby reduced by \$50,000,000.

16 SEC. 8030. None of the funds appropriated or made
17 available in this Act shall be used to procure carbon, alloy
18 or armor steel plate for use in any Government-owned fa-
19 cility or property under the control of the Department of
20 Defense which were not melted and rolled in the United
21 States or Canada: *Provided*, That these procurement re-
22 strictions shall apply to any and all Federal Supply Class
23 9515, American Society of Testing and Materials (ASTM)
24 or American Iron and Steel Institute (AISI) specifications
25 of carbon, alloy or armor steel plate: *Provided further*,

1 That the Secretary of the military department responsible
2 for the procurement may waive this restriction on a case-
3 by-case basis by certifying in writing to the Committees
4 on Appropriations of the House of Representatives and the
5 Senate that adequate domestic supplies are not available
6 to meet Department of Defense requirements on a timely
7 basis and that such an acquisition must be made in order
8 to acquire capability for national security purposes: *Pro-*
9 *vided further*, That these restrictions shall not apply to
10 contracts which are in being as of the date of the enact-
11 ment of this Act.

12 SEC. 8031. For the purposes of this Act, the term
13 “congressional defense committees” means the Armed
14 Services Committee of the House of Representatives, the
15 Armed Services Committee of the Senate, the Sub-
16 committee on Defense of the Committee on Appropriations
17 of the Senate, and the Subcommittee on Defense of the
18 Committee on Appropriations of the House of Representa-
19 tives.

20 SEC. 8032. During the current fiscal year, the De-
21 partment of Defense may acquire the modification, depot
22 maintenance and repair of aircraft, vehicles and vessels
23 as well as the production of components and other De-
24 fense-related articles, through competition between De-
25 partment of Defense depot maintenance activities and pri-

1 vate firms: *Provided*, That the Senior Acquisition Execu-
2 tive of the military department or defense agency con-
3 cerned, with power of delegation, shall certify that success-
4 ful bids include comparable estimates of all direct and in-
5 direct costs for both public and private bids: *Provided fur-*
6 *ther*, That Office of Management and Budget Circular A-
7 76 shall not apply to competitions conducted under this
8 section.

9 SEC. 8033. (a)(1) If the Secretary of Defense, after
10 consultation with the United States Trade Representative,
11 determines that a foreign country which is party to an
12 agreement described in paragraph (2) has violated the
13 terms of the agreement by discriminating against certain
14 types of products produced in the United States that are
15 covered by the agreement, the Secretary of Defense shall
16 rescind the Secretary's blanket waiver of the Buy Amer-
17 ican Act with respect to such types of products produced
18 in that foreign country.

19 (2) An agreement referred to in paragraph (1) is any
20 reciprocal defense procurement memorandum of under-
21 standing, between the United States and a foreign country
22 pursuant to which the Secretary of Defense has prospec-
23 tively waived the Buy American Act for certain products
24 in that country.

1 (b) The Secretary of Defense shall submit to the Con-
2 gress a report on the amount of Department of Defense
3 purchases from foreign entities in fiscal year 2004. Such
4 report shall separately indicate the dollar value of items
5 for which the Buy American Act was waived pursuant to
6 any agreement described in subsection (a)(2), the Trade
7 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
8 international agreement to which the United States is a
9 party.

10 (c) For purposes of this section, the term “Buy
11 American Act” means title III of the Act entitled “An Act
12 making appropriations for the Treasury and Post Office
13 Departments for the fiscal year ending June 30, 1934,
14 and for other purposes”, approved March 3, 1933 (41
15 U.S.C. 10a et seq.).

16 SEC. 8034. Appropriations contained in this Act that
17 remain available at the end of the current fiscal year as
18 a result of energy cost savings realized by the Department
19 of Defense shall remain available for obligation for the
20 next fiscal year to the extent, and for the purposes, pro-
21 vided in section 2865 of title 10, United States Code.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8035. Amounts deposited during the current fis-
24 cal year to the special account established under 40 U.S.C.
25 572(b)(5)(A) and to the special account established under
26 10 U.S.C. 2667(d)(1) are appropriated and shall be avail-

1 able until transferred by the Secretary of Defense to cur-
2 rent applicable appropriations or funds of the Department
3 of Defense under the terms and conditions specified by
4 40 U.S.C. 572(b)(5)(B) and 10 U.S.C. 2667(d)(1)(B), to
5 be merged with and to be available for the same time pe-
6 riod and the same purposes as the appropriation to which
7 transferred.

8 SEC. 8036. The President shall include with each
9 budget for a fiscal year submitted to the Congress under
10 section 1105 of title 31, United States Code, materials
11 that shall identify clearly and separately the amounts re-
12 quested in the budget for appropriation for that fiscal year
13 for salaries and expenses related to administrative activi-
14 ties of the Department of Defense, the military depart-
15 ments, and the defense agencies.

16 SEC. 8037. Notwithstanding any other provision of
17 law, funds available for “Drug Interdiction and Counter-
18 Drug Activities, Defense” may be obligated for the Young
19 Marines program.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8038. During the current fiscal year, amounts
22 contained in the Department of Defense Overseas Military
23 Facility Investment Recovery Account established by sec-
24 tion 2921(c)(1) of the National Defense Authorization Act
25 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall

1 be available until expended for the payments specified by
2 section 2921(c)(2) of that Act.

3 SEC. 8039. (a) IN GENERAL.—Notwithstanding any
4 other provision of law, the Secretary of the Air Force may
5 convey at no cost to the Air Force, without consideration,
6 to Indian tribes located in the States of North Dakota,
7 South Dakota, Montana, and Minnesota relocatable mili-
8 tary housing units located at Grand Forks Air Force Base
9 and Minot Air Force Base that are excess to the needs
10 of the Air Force.

11 (b) PROCESSING OF REQUESTS.—The Secretary of
12 the Air Force shall convey, at no cost to the Air Force,
13 military housing units under subsection (a) in accordance
14 with the request for such units that are submitted to the
15 Secretary by the Operation Walking Shield Program on
16 behalf of Indian tribes located in the States of North Da-
17 kota, South Dakota, Montana, and Minnesota.

18 (c) RESOLUTION OF HOUSING UNIT CONFLICTS.—
19 The Operation Walking Shield program shall resolve any
20 conflicts among requests of Indian tribes for housing units
21 under subsection (a) before submitting requests to the
22 Secretary of the Air Force under subsection (b).

23 (d) INDIAN TRIBE DEFINED.—In this section, the
24 term “Indian tribe” means any recognized Indian tribe in-
25 cluded on the current list published by the Secretary of

1 the Interior under section 104 of the Federally Recognized
2 Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat.
3 4792; 25 U.S.C. 479a–1).

4 SEC. 8040. During the current fiscal year, appropria-
5 tions which are available to the Department of Defense
6 for operation and maintenance may be used to purchase
7 items having an investment item unit cost of not more
8 than \$250,000.

9 SEC. 8041. (a) During the current fiscal year, none
10 of the appropriations or funds available to the Department
11 of Defense Working Capital Funds shall be used for the
12 purchase of an investment item for the purpose of acquir-
13 ing a new inventory item for sale or anticipated sale dur-
14 ing the current fiscal year or a subsequent fiscal year to
15 customers of the Department of Defense Working Capital
16 Funds if such an item would not have been chargeable
17 to the Department of Defense Business Operations Fund
18 during fiscal year 1994 and if the purchase of such an
19 investment item would be chargeable during the current
20 fiscal year to appropriations made to the Department of
21 Defense for procurement.

22 (b) The fiscal year 2005 budget request for the De-
23 partment of Defense as well as all justification material
24 and other documentation supporting the fiscal year 2005
25 Department of Defense budget shall be prepared and sub-

mitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2005 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2005: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2005.

SEC. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense In-

1 telligence Agency may be used for the design, develop-
2 ment, and deployment of General Defense Intelligence
3 Program intelligence communications and intelligence in-
4 formation systems for the Services, the Unified and Speci-
5 fied Commands, and the component commands.

6 SEC. 8044. Of the funds appropriated to the Depart-
7 ment of Defense under the heading “Operation and Main-
8 tenance, Defense-Wide”, not less than \$10,000,000 shall
9 be made available only for the mitigation of environmental
10 impacts, including training and technical assistance to
11 tribes, related administrative support, the gathering of in-
12 formation, documenting of environmental damage, and de-
13 veloping a system for prioritization of mitigation and cost
14 to complete estimates for mitigation, on Indian lands re-
15 sulting from Department of Defense activities.

16 SEC. 8045. (a) None of the funds appropriated in this
17 Act may be expended by an entity of the Department of
18 Defense unless the entity, in expending the funds, com-
19 plies with the Buy American Act. For purposes of this
20 subsection, the term “Buy American Act” means title III
21 of the Act entitled “An Act making appropriations for the
22 Treasury and Post Office Departments for the fiscal year
23 ending June 30, 1934, and for other purposes”, approved
24 March 3, 1933 (41 U.S.C. 10a et seq.).

1 (b) If the Secretary of Defense determines that a per-
2 son has been convicted of intentionally affixing a label
3 bearing a “Made in America” inscription to any product
4 sold in or shipped to the United States that is not made
5 in America, the Secretary shall determine, in accordance
6 with section 2410f of title 10, United States Code, wheth-
7 er the person should be debarred from contracting with
8 the Department of Defense.

9 (c) In the case of any equipment or products pur-
10 chased with appropriations provided under this Act, it is
11 the sense of the Congress that any entity of the Depart-
12 ment of Defense, in expending the appropriation, purchase
13 only American-made equipment and products, provided
14 that American-made equipment and products are cost-
15 competitive, quality-competitive, and available in a timely
16 fashion.

17 SEC. 8046. None of the funds appropriated by this
18 Act shall be available for a contract for studies, analysis,
19 or consulting services entered into without competition on
20 the basis of an unsolicited proposal unless the head of the
21 activity responsible for the procurement determines—

22 (1) as a result of thorough technical evaluation,
23 only one source is found fully qualified to perform
24 the proposed work;

1 (2) the purpose of the contract is to explore an
2 unsolicited proposal which offers significant sci-
3 entific or technological promise, represents the prod-
4 uct of original thinking, and was submitted in con-
5 fidence by one source; or

6 (3) the purpose of the contract is to take ad-
7 vantage of unique and significant industrial accom-
8 plishment by a specific concern, or to insure that a
9 new product or idea of a specific concern is given fi-
10 nancial support:

11 *Provided*, That this limitation shall not apply to contracts
12 in an amount of less than \$25,000, contracts related to
13 improvements of equipment that is in development or pro-
14 duction, or contracts as to which a civilian official of the
15 Department of Defense, who has been confirmed by the
16 Senate, determines that the award of such contract is in
17 the interest of the national defense.

18 SEC. 8047. (a) Except as provided in subsection (b)
19 and (c), none of the funds made available by this Act may
20 be used—

21 (1) to establish a field operating agency; or

22 (2) to pay the basic pay of a member of the
23 Armed Forces or civilian employee of the depart-
24 ment who is transferred or reassigned from a head-

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

23 (RESCISSIONS)

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1 hereby rescinded from the following accounts and pro-
2 grams in the specified amounts:

3 “Shipbuilding and Conversion, Navy, 2002/
4 2006”, \$55,000,000;

5 “Procurement of Ammunition, Army, 2003/
6 2005”, \$36,000,000;

7 “Other Procurement, Air Force, 2003/2005”,
8 \$5,000,000;

9 “Procurement, Defense-Wide, 2003/2005”,
10 \$48,000,000;

11 “Research and Development, Defense-Wide,
12 2003/2004”, \$25,000,000;

13 “National Defense Sealift Fund”,
14 \$105,300,000.

15 SEC. 8050. None of the funds available in this Act
16 may be used to reduce the authorized positions for mili-
17 tary (civilian) technicians of the Army National Guard,
18 the Air National Guard, Army Reserve and Air Force Re-
19 serve for the purpose of applying any administratively im-
20 posed civilian personnel ceiling, freeze, or reduction on
21 military (civilian) technicians, unless such reductions are
22 a direct result of a reduction in military force structure.

23 SEC. 8051. None of the funds appropriated or other-
24 wise made available in this Act may be obligated or ex-
25 pended for assistance to the Democratic People’s Republic

1 of North Korea unless specifically appropriated for that
2 purpose.

3 SEC. 8052. During the current fiscal year, funds ap-
4 propriated in this Act are available to compensate mem-
5 bers of the National Guard for duty performed pursuant
6 to a plan submitted by a Governor of a State and approved
7 by the Secretary of Defense under section 112 of title 32,
8 United States Code: *Provided*, That during the perform-
9 ance of such duty, the members of the National Guard
10 shall be under State command and control: *Provided fur-*
11 *ther*, That such duty shall be treated as full-time National
12 Guard duty for purposes of sections 12602(a)(2) and
13 (b)(2) of title 10, United States Code.

14 SEC. 8053. Funds appropriated in this Act for oper-
15 ation and maintenance of the Military Departments, Com-
16 batant Commands and Defense Agencies shall be available
17 for reimbursement of pay, allowances and other expenses
18 which would otherwise be incurred against appropriations
19 for the National Guard and Reserve when members of the
20 National Guard and Reserve provide intelligence or coun-
21 terintelligence support to Combatant Commands, Defense
22 Agencies and Joint Intelligence Activities, including the
23 activities and programs included within the National For-
24 eign Intelligence Program (NFIP), the Joint Military In-
25 telligence Program (JMIP), and the Tactical Intelligence

1 and Related Activities (TIARA) aggregate: *Provided*, That
2 nothing in this section authorizes deviation from estab-
3 lished Reserve and National Guard personnel and training
4 procedures.

5 SEC. 8054. During the current fiscal year, none of
6 the funds appropriated in this Act may be used to reduce
7 the civilian medical and medical support personnel as-
8 signed to military treatment facilities below the September
9 30, 2003 level: *Provided*, That the Service Surgeons Gen-
10 eral may waive this section by certifying to the congres-
11 sional defense committees that the beneficiary population
12 is declining in some catchment areas and civilian strength
13 reductions may be consistent with responsible resource
14 stewardship and capitation-based budgeting.

15 SEC. 8055. (a) LIMITATION ON PENTAGON RENOVA-
16 TION COSTS.—Not later than the date each year on which
17 the President submits to Congress the budget under sec-
18 tion 1105 of title 31, United States Code, the Secretary
19 of Defense shall submit to Congress a certification that
20 the total cost for the planning, design, construction, and
21 installation of equipment for the renovation of wedges 2
22 through 5 of the Pentagon Reservation, cumulatively, will
23 not exceed four times the total cost for the planning, de-
24 sign, construction, and installation of equipment for the
25 renovation of wedge 1.

1 (b) ANNUAL ADJUSTMENT.—For purposes of apply-
2 ing the limitation in subsection (a), the Secretary shall
3 adjust the cost for the renovation of wedge 1 by any in-
4 crease or decrease in costs attributable to economic infla-
5 tion, based on the most recent economic assumptions
6 issued by the Office of Management and Budget for use
7 in preparation of the budget of the United States under
8 section 1104 of title 31, United States Code.

9 (c) EXCLUSION OF CERTAIN COSTS.—For purposes
10 of calculating the limitation in subsection (a), the total
11 cost for wedges 2 through 5 shall not include—

12 (1) any repair or reconstruction cost incurred
13 as a result of the terrorist attack on the Pentagon
14 that occurred on September 11, 2001;

15 (2) any increase in costs for wedges 2 through
16 5 attributable to compliance with new requirements
17 of Federal, State, or local laws; and

18 (3) any increase in costs attributable to addi-
19 tional security requirements that the Secretary of
20 Defense considers essential to provide a safe and se-
21 cure working environment.

22 (d) CERTIFICATION COST REPORTS.—As part of the
23 annual certification under subsection (a), the Secretary
24 shall report the projected cost (as of the time of the certifi-
25 cation) for—

1 (1) the renovation of each wedge, including the
2 amount adjusted or otherwise excluded for such
3 wedge under the authority of paragraphs (2) and (3)
4 of subsection (c) for the period covered by the cer-
5 tification; and

6 (2) the repair and reconstruction of wedges 1
7 and 2 in response to the terrorist attack on the Pen-
8 tagon that occurred on September 11, 2001.

9 (e) DURATION OF CERTIFICATION REQUIREMENT.—
10 The requirement to make an annual certification under
11 subsection (a) shall apply until the Secretary certifies to
12 Congress that the renovation of the Pentagon Reservation
13 is completed.

14 SEC. 8056. Notwithstanding any other provision of
15 law, that not more than 35 percent of funds provided in
16 this Act for environmental remediation may be obligated
17 under indefinite delivery/indefinite quantity contracts with
18 a total contract value of \$130,000,000 or higher.

19 SEC. 8057. (a) None of the funds available to the
20 Department of Defense for any fiscal year for drug inter-
21 diction or counter-drug activities may be transferred to
22 any other department or agency of the United States ex-
23 cept as specifically provided in an appropriations law.

24 (b) None of the funds available to the Central Intel-
25 ligence Agency for any fiscal year for drug interdiction

1 and counter-drug activities may be transferred to any
2 other department or agency of the United States except
3 as specifically provided in an appropriations law.

4 (TRANSFER OF FUNDS)

5 SEC. 8058. Appropriations available in this Act under
6 the heading “Operation and Maintenance, Defense-Wide”
7 for increasing energy and water efficiency in Federal
8 buildings may, during their period of availability, be trans-
9 ferred to other appropriations or funds of the Department
10 of Defense for projects related to increasing energy and
11 water efficiency, to be merged with and to be available
12 for the same general purposes, and for the same time pe-
13 riod, as the appropriation or fund to which transferred.

14 SEC. 8059. None of the funds appropriated by this
15 Act may be used for the procurement of ball and roller
16 bearings other than those produced by a domestic source
17 and of domestic origin: *Provided*, That the Secretary of
18 the military department responsible for such procurement
19 may waive this restriction on a case-by-case basis by certi-
20 fying in writing to the Committees on Appropriations of
21 the House of Representatives and the Senate, that ade-
22 quate domestic supplies are not available to meet Depart-
23 ment of Defense requirements on a timely basis and that
24 such an acquisition must be made in order to acquire ca-
25 pability for national security purposes: *Provided further*,
26 That this restriction shall not apply to the purchase of

1 “commercial items”, as defined by section 4(12) of the
2 Office of Federal Procurement Policy Act, except that the
3 restriction shall apply to ball or roller bearings purchased
4 as end items.

5 SEC. 8060. Notwithstanding any other provision of
6 law, funds available to the Department of Defense shall
7 be made available to provide transportation of medical
8 supplies and equipment, on a nonreimbursable basis, to
9 American Samoa, and funds available to the Department
10 of Defense shall be made available to provide transpor-
11 tation of medical supplies and equipment, on a non-
12 reimbursable basis, to the Indian Health Service when it
13 is in conjunction with a civil-military project.

14 SEC. 8061. None of the funds in this Act may be
15 used to purchase any supercomputer which is not manu-
16 factured in the United States, unless the Secretary of De-
17 fense certifies to the congressional defense committees
18 that such an acquisition must be made in order to acquire
19 capability for national security purposes that is not avail-
20 able from United States manufacturers.

21 SEC. 8062. Notwithstanding any other provision of
22 law, the Naval shipyards of the United States shall be eli-
23 gible to participate in any manufacturing extension pro-
24 gram financed by funds appropriated in this or any other
25 Act or hereafter in any other Act.

1 SEC. 8063. Notwithstanding any other provision of
2 law, each contract awarded by the Department of Defense
3 during the current fiscal year for construction or service
4 performed in whole or in part in a State (as defined in
5 section 381(d) of title 10, United States Code) which is
6 not contiguous with another State and has an unemploy-
7 ment rate in excess of the national average rate of unem-
8 ployment as determined by the Secretary of Labor, shall
9 include a provision requiring the contractor to employ, for
10 the purpose of performing that portion of the contract in
11 such State that is not contiguous with another State, indi-
12 viduals who are residents of such State and who, in the
13 case of any craft or trade, possess or would be able to
14 acquire promptly the necessary skills: *Provided*, That the
15 Secretary of Defense may waive the requirements of this
16 section, on a case-by-case basis, in the interest of national
17 security.

18 SEC. 8064. None of the funds made available in this
19 or any other Act may be used to pay the salary of any
20 officer or employee of the Department of Defense who ap-
21 proves or implements the transfer of administrative re-
22 sponsibilities or budgetary resources of any program,
23 project, or activity financed by this Act to the jurisdiction
24 of another Federal agency not financed by this Act with-
25 out the express authorization of Congress: *Provided*, That

1 this limitation shall not apply to transfers of funds ex-
2 pressly provided for in Defense Appropriations Acts, or
3 provisions of Acts providing supplemental appropriations
4 for the Department of Defense.

5 SEC. 8065. (a) LIMITATION ON TRANSFER OF DE-
6 FENSE ARTICLES AND SERVICES.—Notwithstanding any
7 other provision of law, none of the funds available to the
8 Department of Defense for the current fiscal year may be
9 obligated or expended to transfer to another nation or an
10 international organization any defense articles or services
11 (other than intelligence services) for use in the activities
12 described in subsection (b) unless the congressional de-
13 fense committees, the Committee on International Rela-
14 tions of the House of Representatives, and the Committee
15 on Foreign Relations of the Senate are notified 15 days
16 in advance of such transfer.

17 (b) COVERED ACTIVITIES.—This section applies to—

- 18 (1) any international peacekeeping or peace-en-
19 forcement operation under the authority of chapter
20 VI or chapter VII of the United Nations Charter
21 under the authority of a United Nations Security
22 Council resolution; and
23 (2) any other international peacekeeping, peace-
24 enforcement, or humanitarian assistance operation.

1 (c) REQUIRED NOTICE.—A notice under subsection
2 (a) shall include the following:

3 (1) A description of the equipment, supplies, or
4 services to be transferred.

5 (2) A statement of the value of the equipment,
6 supplies, or services to be transferred.

7 (3) In the case of a proposed transfer of equip-
8 ment or supplies—

9 (A) a statement of whether the inventory
10 requirements of all elements of the Armed
11 Forces (including the reserve components) for
12 the type of equipment or supplies to be trans-
13 ferred have been met; and

14 (B) a statement of whether the items pro-
15 posed to be transferred will have to be replaced
16 and, if so, how the President proposes to pro-
17 vide funds for such replacement.

18 SEC. 8066. To the extent authorized by subchapter
19 VI of chapter 148 of title 10, United States Code, the
20 Secretary of Defense may issue loan guarantees in support
21 of United States defense exports not otherwise provided
22 for: *Provided*, That the total contingent liability of the
23 United States for guarantees issued under the authority
24 of this section may not exceed \$15,000,000,000: *Provided*
25 *further*, That the exposure fees charged and collected by

1 the Secretary for each guarantee shall be paid by the
2 country involved and shall not be financed as part of a
3 loan guaranteed by the United States: *Provided further*,
4 That the Secretary shall provide quarterly reports to the
5 Committees on Appropriations, Armed Services, and For-
6 eign Relations of the Senate and the Committees on Ap-
7 propriations, Armed Services, and International Relations
8 in the House of Representatives on the implementation of
9 this program: *Provided further*, That amounts charged for
10 administrative fees and deposited to the special account
11 provided for under section 2540c(d) of title 10, shall be
12 available for paying the costs of administrative expenses
13 of the Department of Defense that are attributable to the
14 loan guarantee program under subchapter VI of chapter
15 148 of title 10, United States Code.

16 SEC. 8067. None of the funds available to the De-
17 partment of Defense under this Act shall be obligated or
18 expended to pay a contractor under a contract with the
19 Department of Defense for costs of any amount paid by
20 the contractor to an employee when—

21 (1) such costs are for a bonus or otherwise in
22 excess of the normal salary paid by the contractor
23 to the employee; and

24 (2) such bonus is part of restructuring costs as-
25 sociated with a business combination.

1 SEC. 8068. (a) None of the funds appropriated or
2 otherwise made available in this Act may be used to trans-
3 port or provide for the transportation of chemical muni-
4 tions or agents to the Johnston Atoll for the purpose of
5 storing or demilitarizing such munitions or agents.

6 (b) The prohibition in subsection (a) shall not apply
7 to any obsolete World War II chemical munition or agent
8 of the United States found in the World War II Pacific
9 Theater of Operations.

10 (c) The President may suspend the application of
11 subsection (a) during a period of war in which the United
12 States is a party.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8069. During the current fiscal year, no more
15 than \$30,000,000 of appropriations made in this Act
16 under the heading “Operation and Maintenance, Defense-
17 Wide” may be transferred to appropriations available for
18 the pay of military personnel, to be merged with, and to
19 be available for the same time period as the appropriations
20 to which transferred, to be used in support of such per-
21 sonnel in connection with support and services for eligible
22 organizations and activities outside the Department of De-
23 fense pursuant to section 2012 of title 10, United States
24 Code.

25 SEC. 8070. During the current fiscal year, in the case
26 of an appropriation account of the Department of Defense

1 for which the period of availability for obligation has ex-
2 pired or which has closed under the provisions of section
3 1552 of title 31, United States Code, and which has a
4 negative unliquidated or unexpended balance, an obliga-
5 tion or an adjustment of an obligation may be charged
6 to any current appropriation account for the same purpose
7 as the expired or closed account if—

8 (1) the obligation would have been properly
9 chargeable (except as to amount) to the expired or
10 closed account before the end of the period of avail-
11 ability or closing of that account;

12 (2) the obligation is not otherwise properly
13 chargeable to any current appropriation account of
14 the Department of Defense; and

15 (3) in the case of an expired account, the obli-
16 gation is not chargeable to a current appropriation
17 of the Department of Defense under the provisions
18 of section 1405(b)(8) of the National Defense Au-
19 thorization Act for Fiscal Year 1991, Public Law
20 101–510, as amended (31 U.S.C. 1551 note): *Pro-*
21 *vided*, That in the case of an expired account, if sub-
22 sequent review or investigation discloses that there
23 was not in fact a negative unliquidated or unex-
24 pended balance in the account, any charge to a cur-
25 rent account under the authority of this section shall

1 be reversed and recorded against the expired ac-
2 count: *Provided further*, That the total amount
3 charged to a current appropriation under this sec-
4 tion may not exceed an amount equal to 1 percent
5 of the total appropriation for that account.

6 SEC. 8071. Funds appropriated in title II of this Act
7 and for the Defense Health Program in title VI of this
8 Act for supervision and administration costs for facilities
9 maintenance and repair, minor construction, or design
10 projects, or any planning studies, environmental assess-
11 ments, or similar activities related to installation support
12 functions, may be obligated at the time the reimbursable
13 order is accepted by the performing activity: *Provided*,
14 That for the purpose of this section, supervision and ad-
15 ministration costs includes all in-house Government cost.

16 SEC. 8072. (a) Notwithstanding any other provision
17 of law, the Chief of the National Guard Bureau may per-
18 mit the use of equipment of the National Guard Distance
19 Learning Project by any person or entity on a space-avail-
20 able, reimbursable basis. The Chief of the National Guard
21 Bureau shall establish the amount of reimbursement for
22 such use on a case-by-case basis.

23 (b) Amounts collected under subsection (a) shall be
24 credited to funds available for the National Guard Dis-
25 tance Learning Project and be available to defray the costs

1 associated with the use of equipment of the project under
2 that subsection. Such funds shall be available for such
3 purposes without fiscal year limitation.

4 SEC. 8073. Using funds available by this Act or any
5 other Act, the Secretary of the Air Force, pursuant to a
6 determination under section 2690 of title 10, United
7 States Code, may implement cost-effective agreements for
8 required heating facility modernization in the
9 Kaiserslautern Military Community in the Federal Repub-
10 lic of Germany: *Provided*, That in the City of
11 Kaiserslautern such agreements will include the use of
12 United States anthracite as the base load energy for mu-
13 nicipal district heat to the United States Defense installa-
14 tions: *Provided further*, That at Landstuhl Army Regional
15 Medical Center and Ramstein Air Base, furnished heat
16 may be obtained from private, regional or municipal serv-
17 ices, if provisions are included for the consideration of
18 United States coal as an energy source.

19 SEC. 8074. None of the funds appropriated in title
20 IV of this Act may be used to procure end-items for deliv-
21 ery to military forces for operational training, operational
22 use or inventory requirements: *Provided*, That this restric-
23 tion does not apply to end-items used in development,
24 prototyping, and test activities preceding and leading to
25 acceptance for operational use: *Provided further*, That this

1 restriction does not apply to programs funded within the
2 National Foreign Intelligence Program: *Provided further*,
3 That the Secretary of Defense may waive this restriction
4 on a case-by-case basis by certifying in writing to the
5 Committees on Appropriations of the House of Represent-
6 atives and the Senate that it is in the national security
7 interest to do so.

8 SEC. 8075. None of the funds made available in this
9 Act may be used to approve or license the sale of the F-
10 22 advanced tactical fighter to any foreign government.

11 SEC. 8076. (a) The Secretary of Defense may, on a
12 case-by-case basis, waive with respect to a foreign country
13 each limitation on the procurement of defense items from
14 foreign sources provided in law if the Secretary determines
15 that the application of the limitation with respect to that
16 country would invalidate cooperative programs entered
17 into between the Department of Defense and the foreign
18 country, or would invalidate reciprocal trade agreements
19 for the procurement of defense items entered into under
20 section 2531 of title 10, United States Code, and the
21 country does not discriminate against the same or similar
22 defense items produced in the United States for that coun-
23 try.

24 (b) Subsection (a) applies with respect to—

1 (1) contracts and subcontracts entered into on
2 or after the date of the enactment of this Act; and

3 (2) options for the procurement of items that
4 are exercised after such date under contracts that
5 are entered into before such date if the option prices
6 are adjusted for any reason other than the applica-
7 tion of a waiver granted under subsection (a).

8 (c) Subsection (a) does not apply to a limitation re-
9 garding construction of public vessels, ball and roller bear-
10 ings, food, and clothing or textile materials as defined by
11 section 11 (chapters 50–65) of the Harmonized Tariff
12 Schedule and products classified under headings 4010,
13 4202, 4203, 6401 through 6406, 6505, 7019, 7218
14 through 7229, 7304.41 through 7304.49, 7306.40, 7502
15 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

16 SEC. 8077. (a) PROHIBITION.—None of the funds
17 made available by this Act may be used to support any
18 training program involving a unit of the security forces
19 of a foreign country if the Secretary of Defense has re-
20 ceived credible information from the Department of State
21 that the unit has committed a gross violation of human
22 rights, unless all necessary corrective steps have been
23 taken.

24 (b) MONITORING.—The Secretary of Defense, in con-
25 sultation with the Secretary of State, shall ensure that

1 prior to a decision to conduct any training program re-
2 ferred to in subsection (a), full consideration is given to
3 all credible information available to the Department of
4 State relating to human rights violations by foreign secu-
5 rity forces.

6 (c) WAIVER.—The Secretary of Defense, after con-
7 sultation with the Secretary of State, may waive the prohi-
8 bition in subsection (a) if he determines that such waiver
9 is required by extraordinary circumstances.

10 (d) REPORT.—Not more than 15 days after the exer-
11 cise of any waiver under subsection (c), the Secretary of
12 Defense shall submit a report to the congressional defense
13 committees describing the extraordinary circumstances,
14 the purpose and duration of the training program, the
15 United States forces and the foreign security forces in-
16 volved in the training program, and the information relat-
17 ing to human rights violations that necessitates the waiv-
18 er.

19 SEC. 8078. The Secretary of Defense, in coordination
20 with the Secretary of Health and Human Services, may
21 carry out a program to distribute surplus dental equip-
22 ment of the Department of Defense, at no cost to the De-
23 partment of Defense, to Indian Health Service facilities
24 and to federally-qualified health centers (within the mean-

1 ing of section 1905(l)(2)(B) of the Social Security Act (42
2 U.S.C. 1396d(l)(2)(B))).

3 SEC. 8079. None of the funds appropriated or made
4 available in this Act to the Department of the Navy shall
5 be used to develop, lease or procure the T-AKE class of
6 ships unless the main propulsion diesel engines and
7 propulsors are manufactured in the United States by a
8 domestically operated entity: *Provided*, That the Secretary
9 of Defense may waive this restriction on a case-by-case
10 basis by certifying in writing to the Committees on Appro-
11 priations of the House of Representatives and the Senate
12 that adequate domestic supplies are not available to meet
13 Department of Defense requirements on a timely basis
14 and that such an acquisition must be made in order to
15 acquire capability for national security purposes or there
16 exists a significant cost or quality difference.

17 SEC. 8080. None of the funds appropriated or other-
18 wise made available by this or other Department of De-
19 fense Appropriations Acts may be obligated or expended
20 for the purpose of performing repairs or maintenance to
21 military family housing units of the Department of De-
22 fense, including areas in such military family housing
23 units that may be used for the purpose of conducting offi-
24 cial Department of Defense business.

1 SEC. 8081. Notwithstanding any other provision of
2 law, funds appropriated in this Act under the heading
3 “Research, Development, Test and Evaluation, Defense-
4 Wide” for any advanced concept technology demonstration
5 project may only be obligated 30 days after a report, in-
6 cluding a description of the project, the planned acquisi-
7 tion and transition strategy and its estimated annual and
8 total cost, has been provided in writing to the congres-
9 sional defense committees: *Provided*, That the Secretary
10 of Defense may waive this restriction on a case-by-case
11 basis by certifying to the congressional defense committees
12 that it is in the national interest to do so.

13 SEC. 8082. (a) LIMITATION ON AVAILABILITY OF
14 FUNDS FOR OFFICE OF UNDER SECRETARY OF DEFENSE
15 FOR INTELLIGENCE.—No funds appropriated or otherwise
16 made available by this Act for the Office of the Under
17 Secretary of Defense for Intelligence may be obligated or
18 expended until 30 days after the date on which the report
19 referred to in subsection (c) is submitted to Congress.

20 (b) LIMITATION ON AVAILABILITY OF FUNDS FOR
21 CLANDESTINE MILITARY ACTIVITIES.—No funds appro-
22 priated or otherwise made available by this Act may be
23 obligated or expended for clandestine military activities
24 until the date on which the report referred to in subsection
25 (c) is submitted to Congress.

1 (c) REPORT.—The report referred to in this sub-
2 section is the report required to be submitted to Congress
3 in the classified annex to the Emergency Wartime Supple-
4 mental Appropriations Act, 2003 (Public Law 108–11).

5 SEC. 8083. During the current fiscal year, refunds
6 attributable to the use of the Government travel card, re-
7 funds attributable to the use of the Government Purchase
8 Card and refunds attributable to official Government trav-
9 el arranged by Government Contracted Travel Manage-
10 ment Centers may be credited to operation and mainte-
11 nance accounts of the Department of Defense which are
12 current when the refunds are received.

13 SEC. 8084. (a) REGISTERING FINANCIAL MANAGE-
14 MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD
15 CHIEF INFORMATION OFFICER.—None of the funds ap-
16 propriated in this Act may be used for a mission critical
17 or mission essential financial management information
18 technology system (including a system funded by the de-
19 fense working capital fund) that is not registered with the
20 Chief Information Officer of the Department of Defense.
21 A system shall be considered to be registered with that
22 officer upon the furnishing to that officer of notice of the
23 system, together with such information concerning the
24 system as the Secretary of Defense may prescribe. A fi-
25 nancial management information technology system shall

1 be considered a mission critical or mission essential infor-
2 mation technology system as defined by the Under Sec-
3 retary of Defense (Comptroller).

4 (b) CERTIFICATIONS AS TO COMPLIANCE WITH FI-
5 NANCIAL MANAGEMENT MODERNIZATION PLAN.—

6 (1) During the current fiscal year, a financial
7 management automated information system, a mixed
8 information system supporting financial and non-fi-
9 nancial systems, or a system improvement of more
10 than \$1,000,000 may not receive Milestone A ap-
11 proval, Milestone B approval, or full rate production,
12 or their equivalent, within the Department of De-
13 fense until the Under Secretary of Defense (Comp-
14 troller) certifies, with respect to that milestone, that
15 the system is being developed and managed in ac-
16 cordance with the Department's Financial Manage-
17 ment Modernization Plan. The Under Secretary of
18 Defense (Comptroller) may require additional certifi-
19 cations, as appropriate, with respect to any such sys-
20 tem.

21 (2) The Chief Information Officer shall provide
22 the congressional defense committees timely notifica-
23 tion of certifications under paragraph (1).

24 (c) CERTIFICATIONS AS TO COMPLIANCE WITH
25 CLINGER-COHEN ACT.—(1) During the current fiscal

1 year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

10 (2) The Chief Information Officer shall provide the
11 congressional defense committees timely notification of
12 certifications under paragraph (1). Each such notification
13 shall include, at a minimum, the funding baseline and
14 milestone schedule for each system covered by such a certification and confirmation that the following steps have
15 been taken with respect to the system:

17 (A) Business process reengineering.

18 (B) An analysis of alternatives.

19 (C) An economic analysis that includes a calculation of the return on investment.

21 (D) Performance measures.

22 (E) An information assurance strategy consistent with the Department's Global Information
23 Grid.
24

25 (d) DEFINITIONS.—For purposes of this section:

1 (1) The term “Chief Information Officer”
2 means the senior official of the Department of De-
3 fense designated by the Secretary of Defense pursu-
4 ant to section 3506 of title 44, United States Code.

5 (2) The term “information technology system”
6 has the meaning given the term “information tech-
7 nology” in section 5002 of the Clinger-Cohen Act of
8 1996 (40 U.S.C. 1401).

9 SEC. 8085. During the current fiscal year, none of
10 the funds available to the Department of Defense may be
11 used to provide support to another department or agency
12 of the United States if such department or agency is more
13 than 90 days in arrears in making payment to the Depart-
14 ment of Defense for goods or services previously provided
15 to such department or agency on a reimbursable basis:
16 *Provided*, That this restriction shall not apply if the de-
17 partment is authorized by law to provide support to such
18 department or agency on a nonreimbursable basis, and is
19 providing the requested support pursuant to such author-
20 ity: *Provided further*, That the Secretary of Defense may
21 waive this restriction on a case-by-case basis by certifying
22 in writing to the Committees on Appropriations of the
23 House of Representatives and the Senate that it is in the
24 national security interest to do so.

1 SEC. 8086. None of the funds provided in this Act
2 may be used to transfer to any nongovernmental entity
3 ammunition held by the Department of Defense that has
4 a center-fire cartridge and a United States military no-
5 menclature designation of “armor penetrator”, “armor
6 piercing (AP)”, “armor piercing incendiary (API)”, or
7 “armor-piercing incendiary-tracer (API-T)”, except to an
8 entity performing demilitarization services for the Depart-
9 ment of Defense under a contract that requires the entity
10 to demonstrate to the satisfaction of the Department of
11 Defense that armor piercing projectiles are either: (1) ren-
12 dered incapable of reuse by the demilitarization process;
13 or (2) used to manufacture ammunition pursuant to a con-
14 tract with the Department of Defense or the manufacture
15 of ammunition for export pursuant to a License for Per-
16 manent Export of Unclassified Military Articles issued by
17 the Department of State.

18 SEC. 8087. Notwithstanding any other provision of
19 law, the Chief of the National Guard Bureau, or his des-
20 ignee, may waive payment of all or part of the consider-
21 ation that otherwise would be required under 10 U.S.C.
22 2667, in the case of a lease of personal property for a
23 period not in excess of 1 year to any organization specified
24 in 32 U.S.C. 508(d), or any other youth, social, or fra-
25 ternal non-profit organization as may be approved by the

1 Chief of the National Guard Bureau, or his designee, on
2 a case-by-case basis.

3 SEC. 8088. None of the funds appropriated by this
4 Act shall be used for the support of any nonappropriated
5 funds activity of the Department of Defense that procures
6 malt beverages and wine with nonappropriated funds for
7 resale (including such alcoholic beverages sold by the
8 drink) on a military installation located in the United
9 States unless such malt beverages and wine are procured
10 within that State, or in the case of the District of Colum-
11 bia, within the District of Columbia, in which the military
12 installation is located: *Provided*, That in a case in which
13 the military installation is located in more than one State,
14 purchases may be made in any State in which the installa-
15 tion is located: *Provided further*, That such local procure-
16 ment requirements for malt beverages and wine shall
17 apply to all alcoholic beverages only for military installa-
18 tions in States which are not contiguous with another
19 State: *Provided further*, That alcoholic beverages other
20 than wine and malt beverages, in contiguous States and
21 the District of Columbia shall be procured from the most
22 competitive source, price and other factors considered.

23 SEC. 8089. (a) The Department of Defense is author-
24 ized to enter into agreements with the Department of Vet-
25 erans Affairs and federally-funded health agencies pro-

1 viding services to Native Hawaiians for the purpose of es-
2 tablishing a partnership similar to the Alaska Federal
3 Health Care Partnership, in order to maximize Federal
4 resources in the provision of health care services by feder-
5 ally-funded health agencies, applying telemedicine tech-
6 nologies. For the purpose of this partnership, Native Ha-
7 waiians shall have the same status as other Native Ameri-
8 cans who are eligible for the health care services provided
9 by the Indian Health Service.

10 (b) The Department of Defense is authorized to de-
11 velop a consultation policy, consistent with Executive
12 Order No. 13084 (issued May 14, 1998), with Native Ha-
13 waiians for the purpose of assuring maximum Native Ha-
14 waiian participation in the direction and administration of
15 governmental services so as to render those services more
16 responsive to the needs of the Native Hawaiian commu-
17 nity.

18 (c) For purposes of this section, the term “Native
19 Hawaiian” means any individual who is a descendant of
20 the aboriginal people who, prior to 1778, occupied and ex-
21 ercised sovereignty in the area that now comprises the
22 State of Hawaii.

23 SEC. 8090. Funds available to the Department of De-
24 fense for the Global Positioning System during the current
25 fiscal year may be used to fund civil requirements associ-

1 ated with the satellite and ground control segments of
 2 such system's modernization program.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8091. (a) Of the amounts appropriated in this
 5 Act under the heading, "Research, Development, Test and
 6 Evaluation, Defense-Wide", \$48,000,000 shall remain
 7 available until expended: *Provided*, That notwithstanding
 8 any other provision of law, the Secretary of Defense is
 9 authorized to transfer such funds to other activities of the
 10 Federal Government.

11 (b) Of the amounts appropriated in this Act under
 12 the heading, "Operation and Maintenance, Army",
 13 \$177,000,000 shall remain available until expended: *Pro-*
 14 *vided*, That notwithstanding any other provision of law,
 15 the Secretary of Defense is authorized to transfer such
 16 funds to other activities of the Federal Government: *Pro-*
 17 *vided further*, That the Secretary of Defense is authorized
 18 to enter into and carry out contracts for the acquisition
 19 of real property, construction, personal services, and oper-
 20 ations related to projects described in further detail in the
 21 Classified Annex accompanying the Department of De-
 22 fense Appropriations Act, 2004, consistent with the terms
 23 and conditions set forth herein: *Provided further*, That
 24 contracts entered into under the authority of this section
 25 may provide for such indemnification as the Secretary de-
 26 termines to be necessary: *Provided further*, That projects

1 authorized by this section shall comply with applicable
2 Federal, State, and local law to the maximum extent con-
3 sistent with the national security, as determined by the
4 Secretary of Defense.

5 SEC. 8092. Section 8106 of the Department of De-
6 fense Appropriations Act, 1997 (titles I through VIII of
7 the matter under subsection 101(b) of Public Law 104–
8 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-
9 tinue in effect to apply to disbursements that are made
10 by the Department of Defense in fiscal year 2004.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8093. Of the amounts appropriated in this Act
13 under the heading “Research, Development, Test and
14 Evaluation, Defense-Wide”, \$154,800,000 shall be made
15 available for the Arrow missile defense program: *Provided*,
16 That of this amount, \$10,000,000 shall be available for
17 the purpose of continuing the Arrow System Improvement
18 Program (ASIP), and \$80,000,000 shall be available for
19 the purpose of producing Arrow missile components in the
20 United States and Arrow missile components and missiles
21 in Israel to meet Israel’s defense requirements, consistent
22 with each nation’s laws, regulations and procedures: *Pro-*
23 *vided further*, That funds made available under this provi-
24 sion for production of missiles and missile components
25 may be transferred to appropriations available for the pro-
26 curement of weapons and equipment, to be merged with

1 and to be available for the same time period and the same
 2 purposes as the appropriation to which transferred: *Pro-*
 3 *vided further*, That the transfer authority provided under
 4 this provision is in addition to any other transfer authority
 5 contained in this Act.

6 SEC. 8094. In addition to amounts provided in this
 7 Act, \$90,000,000 is hereby appropriated for “Aircraft
 8 Procurement, Navy”: *Provided*, That these funds shall be
 9 available only for transfer to the Coast Guard for mission
 10 essential equipment for Coast Guard HC-130J aircraft.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8095. Of the amounts appropriated in this Act
 13 under the heading “Shipbuilding and Conversion, Navy”,
 14 \$635,502,000 shall be available until September 30, 2004,
 15 to fund prior year shipbuilding cost increases: *Provided*,
 16 That upon enactment of this Act, the Secretary of Navy
 17 shall transfer such funds to the following appropriations
 18 in the amount specified: *Provided further*, That the
 19 amounts transferred shall be merged with and be available
 20 for the same purposes as the appropriations to which
 21 transferred:

22 To:

23 Under the heading, “Shipbuilding and
 24 Conversion, Navy, 1996/04”:

25 LPD-17 Amphibious Transport Dock
 26 Ship Program, \$95,300,000.

1 Under the heading, “Shipbuilding and
2 Conversion, Navy, 1998/04”:

3 New SSN, \$81,060,000.

4 Under the heading, “Shipbuilding and
5 Conversion, Navy, 1999/04”:

6 DDG–51 Destroyer Program,
7 \$44,420,000;

8 New SSN, \$156,978,000;

9 LPD–17 Amphibious Transport Dock
10 Ship Program, \$51,100,000.

11 Under the heading, “Shipbuilding and
12 Conversion, Navy, 2000/04”:

13 DDG–51 Destroyer Program,
14 \$24,510,000;

15 LPD–17 Amphibious Transport Dock
16 Ship Program, \$112,778,000.

17 Under the heading, “Shipbuilding and
18 Conversion, Navy, 2001/04”:

19 DDG–51 Destroyer Program,
20 \$6,984,000;

21 New SSN, \$62,372,000.

22 SEC. 8096. The Secretary of the Navy may settle,
23 or compromise, and pay any and all admiralty claims
24 under 10 U.S.C. 7622 arising out of the collision involving
25 the U.S.S. GREENEVILLE and the EHIME MARU, in

1 any amount and without regard to the monetary limita-
2 tions in subsections (a) and (b) of that section: *Provided*,
3 That such payments shall be made from funds available
4 to the Department of the Navy for operation and mainte-
5 nance.

6 SEC. 8097. Notwithstanding any other provision of
7 law or regulation, the Secretary of Defense may exercise
8 the provisions of 38 U.S.C. 7403(g) for occupations listed
9 in 38 U.S.C. 7403(a)(2) as well as the following:

10 Pharmacists, Audiologists, and Dental Hygien-
11 ists.

12 (A) The requirements of 38 U.S.C.
13 7403(g)(1)(A) shall apply.

14 (B) The limitations of 38 U.S.C.
15 7403(g)(1)(B) shall not apply.

16 SEC. 8098. Funds appropriated by this Act, or made
17 available by transfer of funds in this Act, for intelligence
18 activities are deemed to be specifically authorized by the
19 Congress for purposes of section 504 of the National Secu-
20 rity Act of 1947 (50 U.S.C. 414) during fiscal year 2004
21 until the enactment of the Intelligence Authorization Act
22 for fiscal year 2004.

23 SEC. 8099. In addition to funds made available else-
24 where in this Act \$5,500,000 is hereby appropriated and
25 shall remain available until expended to provide assist-

1 ance, by grant or otherwise (such as, but not limited to,
2 the provision of funds for repairs, maintenance, construc-
3 tion, and/or for the purchase of information technology,
4 text books, teaching resources), to public schools that have
5 unusually high concentrations of special needs military de-
6 pendents enrolled: *Provided*, That in selecting school sys-
7 tems to receive such assistance, special consideration shall
8 be given to school systems in States that are considered
9 overseas assignments, and all schools within these school
10 systems shall be eligible for assistance: *Provided further*,
11 That up to \$2,000,000 shall be available for the Depart-
12 ment of Defense to establish a non-profit trust fund to
13 assist in the public-private funding of public school repair
14 and maintenance projects, or provide directly to non-profit
15 organizations who in return will use these monies to pro-
16 vide assistance in the form of repair, maintenance, or ren-
17 ovation to public school systems that have high concentra-
18 tions of special needs military dependents and are located
19 in States that are considered overseas assignments, and
20 of which 2 percent shall be available to support the admin-
21 istration and execution of the funds: *Provided further*,
22 That to the extent a federal agency provides this assist-
23 ance, by contract, grant, or otherwise, it may accept and
24 expend non-federal funds in combination with these fed-
25 eral funds to provide assistance for the authorized pur-

1 pose, if the non-federal entity requests such assistance and
2 the non-federal funds are provided on a reimbursable
3 basis.

4 SEC. 8100. None of the funds in this Act may be
5 used to initiate a new start program without prior notifica-
6 tion to the Office of Secretary of Defense and the congres-
7 sional defense committees.

8 SEC. 8101. Of the funds made available in this Act,
9 not less than \$56,400,000 shall be available to maintain
10 an attrition reserve force of 18 B-52 aircraft, of which
11 \$3,800,000 shall be available from “Military Personnel,
12 Air Force”, \$35,900,000 shall be available from “Oper-
13 ation and Maintenance, Air Force”, and \$16,700,000
14 shall be available from “Aircraft Procurement, Air Force”:
15 *Provided*, That the Secretary of the Air Force shall main-
16 tain a total force of 94 B-52 aircraft, including 18 attri-
17 tion reserve aircraft, during fiscal year 2004: *Provided fur-*
18 *ther*, That the Secretary of Defense shall include in the
19 Air Force budget request for fiscal year 2005 amounts
20 sufficient to maintain a B-52 force totaling 94 aircraft.

21 SEC. 8102. As an interim capability to enhance Army
22 lethality, survivability, and mobility for light and medium
23 forces before complete fielding of the Objective Force, the
24 Army shall ensure that budgetary and programmatic plans

1 will provide for no fewer than six Stryker Brigade Combat
2 Teams to be fielded between 2003 and 2008.

3 SEC. 8103. Of the funds made available under the
4 heading “Operation and Maintenance, Air Force”,
5 \$8,000,000 shall be available to realign railroad track on
6 Elmendorf Air Force Base and Fort Richardson.

7 (TRANSFER OF FUNDS)

8 SEC. 8104. Of the amounts appropriated in Public
9 Law 107–206 under the heading “Defense Emergency Re-
10 sponse Fund”, an amount up to the fair market value of
11 the leasehold interest in adjacent properties necessary for
12 the force protection requirements of Tooele Army Depot,
13 Utah, may be made available to resolve any property dis-
14 putes associated with Tooele Army Depot, Utah, and to
15 acquire such leasehold interest as required: *Provided*, That
16 none of these funds may be used to acquire fee title to
17 the properties.

18 SEC. 8105. Up to \$3,000,000 of the funds appro-
19 priated under the heading “Operation and Maintenance,
20 Navy” in this Act for the Pacific Missile Range Facility
21 may be made available to contract for the repair, mainte-
22 nance, and operation of adjacent off-base water, drainage,
23 and flood control systems, electrical upgrade to support
24 additional missions critical to base operations, and support
25 for a range footprint expansion to further guard against
26 encroachment.

(TRANSFER OF FUNDS)

1
2 SEC. 8106. In addition to the amounts appropriated
3 or otherwise made available in this Act, \$24,000,000, to
4 remain available until September 30, 2004, is hereby ap-
5 propriated to the Department of Defense: *Provided*, That
6 the Secretary of Defense shall make grants in the amount
7 of \$5,000,000 to the American Red Cross for Armed
8 Forces Emergency Services; \$10,000,000 for the Fort
9 Benning Infantry Museum; \$2,500,000 to the National
10 Guard Youth Foundation; \$3,000,000 to the Chicago
11 Park District for renovation of the Broadway Armory; and
12 \$3,500,000 to the National D-Day Museum.

13 SEC. 8107. None of the funds appropriated in this
14 Act under the heading “Overseas Contingency Operations
15 Transfer Account” may be transferred or obligated for
16 Department of Defense expenses not directly related to the
17 conduct of overseas contingencies: *Provided*, That the Sec-
18 retary of Defense shall submit a report no later than 30
19 days after the end of each fiscal quarter to the Committees
20 on Appropriations of the Senate and House of Representa-
21 tives that details any transfer of funds from the “Overseas
22 Contingency Operations Transfer Fund”: *Provided fur-*
23 *ther*, That the report shall explain any transfer for the
24 maintenance of real property, pay of civilian personnel,

1 base operations support, and weapon, vehicle or equipment
2 maintenance.

3 SEC. 8108. For purposes of section 1553(b) of title
4 31, United States Code, any subdivision of appropriations
5 made in this Act under the heading “Shipbuilding and
6 Conversion, Navy” shall be considered to be for the same
7 purpose as any subdivision under the heading “Ship-
8 building and Conversion, Navy” appropriations in any
9 prior year, and the 1 percent limitation shall apply to the
10 total amount of the appropriation.

11 SEC. 8109. The budget of the President for fiscal
12 year 2005 submitted to the Congress pursuant to section
13 1105 of title 31, United States Code, and each annual
14 budget request thereafter, shall include separate budget
15 justification documents for costs of United States Armed
16 Forces’ participation in contingency operations for the
17 Military Personnel accounts, the Overseas Contingency
18 Operations Transfer Account, the Operation and Mainte-
19 nance accounts, and the Procurement accounts: *Provided*,
20 That these budget justification documents shall include a
21 description of the funding requested for each anticipated
22 contingency operation, for each military service, to include
23 active duty and Guard and Reserve components, and for
24 each appropriation account: *Provided further*, That these
25 documents shall include estimated costs for each element

1 of expense or object class, a reconciliation of increases and
2 decreases for ongoing contingency operations, and pro-
3 grammatic data including, but not limited to troop
4 strength for each active duty and Guard and Reserve com-
5 ponent, and estimates of the major weapons systems de-
6 ployed in support of each contingency: *Provided further*,
7 That these documents shall include budget exhibits OP-
8 5 and OP-32, as defined in the Department of Defense
9 Financial Management Regulation, for the Overseas Con-
10 tingency Operations Transfer Account for fiscal years
11 2003 and 2004.

12 SEC. 8110. None of the funds in this Act may be
13 used for research, development, test, evaluation, procure-
14 ment or deployment of nuclear armed interceptors of a
15 missile defense system.

16 SEC. 8111. Of the amounts appropriated in this Act
17 under the headings “Research, Development, Test and
18 Evaluation, Navy” and “Operation and Maintenance, De-
19 fense-Wide” \$65,200,000 shall be transferred to such ap-
20 propriations available to the Department of Defense as
21 may be required to carry out the intent of Congress as
22 expressed in the Classified Annex accompanying the De-
23 partment of Defense Appropriations Act, 2004, and
24 amounts so transferred shall be available for the same

1 purposes and for the same time period as the appropria-
2 tions to which transferred.

3 SEC. 8112. During the current fiscal year, section
4 2533a(f) of Title 10, United States Code, shall not apply
5 to any fish, shellfish, or seafood product. This section is
6 applicable to contracts and subcontracts for the procure-
7 ment of commercial items notwithstanding section 34 of
8 the Office of Federal Procurement Policy Act (41 U.S.C.
9 430).

10 SEC. 8113. Notwithstanding section 2465 of title 10
11 U.S.C., the Secretary of the Navy may use funds appro-
12 priated in title II of this Act under the heading, “Oper-
13 ation and Maintenance, Navy”, to liquidate the expenses
14 incurred for private security guard services performed at
15 the Naval Support Unit, Saratoga Springs, New York by
16 Burns International Security Services, Albany, New York
17 in the amount of \$29,323.35, plus accrued interest, if any.

18 SEC. 8114. Funds available to the Department of De-
19 fense under the heading, “Research, Development, Test
20 and Evaluation, Defense-Wide”, may be used to develop
21 and field an initial set of missile defense capabilities, and
22 such fielding shall be considered to be system development
23 and demonstration for purposes of any law governing the
24 development and production of a major defense acquisition
25 program. The initial set of missile defense capabilities is

1 defined as the “Block 04” Ballistic Missile Defense system
2 funded in fiscal years 2004 and 2005. Subsequent blocks
3 of missile defense capabilities shall be subject to existing
4 laws governing development and production of major de-
5 fense acquisition programs.

6 SEC. 8115. Of the amounts provided in title II of this
7 Act under the heading, “Operation and Maintenance, De-
8 fense-Wide”, \$20,000,000 is available for the Regional
9 Defense Counter-terrorism Fellowship Program, to fund
10 the education and training of foreign military officers,
11 ministry of defense civilians, and other foreign security of-
12 ficials, to include United States military officers and civil-
13 ian officials whose participation directly contributes to the
14 education and training of these foreign students.

15 SEC. 8116. Up to \$2,000,000 of the funds appro-
16 priated by this Act under the heading, “Operation and
17 Maintenance, Army”, may be made available to contract
18 for services required to solicit non-Federal donations to
19 support construction and operation of the United States
20 Army Museum at Fort Belvoir, Virginia: *Provided*, That
21 notwithstanding any other provision of law, the Army is
22 authorized to receive future payments in this or the subse-
23 quent fiscal year from any non-profit organization char-
24 tered to support the United States Army Museum to reim-
25 burse amounts expended by the Army pursuant to this

1 section: *Provided further*, That any reimbursements re-
 2 ceived pursuant to this section shall be merged with “Op-
 3 eration and Maintenance, Army” and shall be made avail-
 4 able for the same purposes and for the same time period
 5 as that appropriation account.

6 SEC. 8117. DESIGNATION OF AMERICA’S NATIONAL
 7 WORLD WAR II MUSEUM. (a) FINDINGS.—Congress
 8 makes the following findings:

9 (1) The National D-Day Museum, operated in
 10 New Orleans, Louisiana by an educational founda-
 11 tion, has been established with the vision “to cele-
 12 brate the American Spirit”.

13 (2) The National D-Day Museum is the only
 14 museum in the United States that exists for the ex-
 15 clusive purpose of interpreting the American experi-
 16 ence during the World War II years (1939–1945) on
 17 both the battlefield and the home front and, in
 18 doing so, covers all of the branches of the Armed
 19 Forces and the Merchant Marine.

20 (3) The National D-Day Museum was founded
 21 by the preeminent American historian, Stephen E.
 22 Ambrose, as a result of a conversation with Presi-
 23 dent Dwight D. Eisenhower in 1963, when the
 24 President and former Supreme Commander, Allied
 25 Expeditionary Forces in Europe, credited Andrew

1 Jackson Higgins, the chief executive officer of Hig-
2 gins Industries in New Orleans, as the “man who
3 won the war for us” because the 12,000 landing
4 craft designed by Higgins Industries made possible
5 all of the amphibious invasions of World War II and
6 carried American soldiers into every theatre of the
7 war.

8 (4) The National D-Day Museum, since its
9 grand opening on June 6, 2000, the 56th anniver-
10 sary of the D-Day invasion of Normandy, has at-
11 tracted nearly 1,000,000 visitors from around the
12 world, 85 percent of whom have been Americans
13 from across the country.

14 (5) American World War II veterans, called the
15 “greatest generation” of the Nation, are dying at
16 the rapid rate of more than 1,200 veterans each day,
17 creating an urgent need to preserve the stories, arti-
18 facts, and heroic achievements of that generation.

19 (6) The United States has a need to preserve
20 forever the knowledge and history of the Nation’s
21 most decisive achievement in the 20th century and
22 to portray that history to citizens, visitors, and
23 school children for centuries to come.

24 (7) Congress, recognizing the need to preserve
25 this knowledge and history, appropriated funds in

1 1992 to authorize the design and construction of
2 The National D-Day Museum in New Orleans to
3 commemorate the epic 1944 Normandy invasion,
4 and subsequently appropriated additional funds in
5 1998, 2000, 2001, 2002, and 2003 to help expand
6 the exhibits in the museum to include the D-Day in-
7 vasions in the Pacific Theatre of Operations and the
8 other campaigns of World War II.

9 (8) The State of Louisiana and thousands of
10 donors and foundations across the country have con-
11 tributed millions of dollars to help build this national
12 institution.

13 (9) The Board of Trustees of The National D-
14 Day Museum is national in scope and diverse in its
15 makeup.

16 (10) The World War II Memorial now under
17 construction on the National Mall in Washington,
18 the District of Columbia, will always be the memo-
19 rial in our Nation where people come to remember
20 America's sacrifices in World War II, while The Na-
21 tional D-Day Museum will always be the museum of
22 the American experience in the World War II years
23 (1939–1945), where people come to learn about
24 Americans' experiences during that critical period,
25 as well as a place where the history of our Nation's

1 monumental struggle against worldwide aggression
2 by would-be oppressors is preserved so that future
3 generations can understand the role the United
4 States played in the preservation and advancement
5 of democracy and freedom in the middle of the 20th
6 century.

7 (11) The National D-Day Museum seeks to
8 educate a diverse group of audiences through its col-
9 lection of artifacts, photographs, letters, documents,
10 and first-hand personal accounts of the participants
11 in the war and on the home front during one of his-
12 tory's darkest hours.

13 (12) The National D-Day Museum is devoted to
14 the combat experience of United States citizen sol-
15 diers in all of the theatres of World War II and to
16 the heroic efforts of the men and women on the
17 home front who worked tirelessly to support the
18 troops and the war effort.

19 (13) The National D-Day Museum continues to
20 add to and maintain one of the largest personal his-
21 tory collections in the United States of the men and
22 women who fought in World War II and who served
23 on the home front.

24 (14) No other museum describes as well the
25 volunteer spirit that arose throughout the United

1 States and united the country during the World War
2 II years.

3 (15) The National D-Day Museum is engaged
4 in a 250,000 square foot expansion to include the
5 Center for the Study of the American Spirit, an ad-
6 vanced format theatre, and a new United States pa-
7 vilion.

8 (16) The planned “We’re All in this Together”
9 exhibit will describe the role every State, common-
10 wealth, and territory played in World War II, and
11 the computer database and software of The National
12 D-Day Museum’s educational program will be made
13 available to the teachers and school children of every
14 State, commonwealth, and territory.

15 (17) The National D-Day Museum is an official
16 Smithsonian affiliate institution with a formal agree-
17 ment to borrow Smithsonian artifacts for future ex-
18 hibitions.

19 (18) Le Memorial de Caen in Normandy,
20 France has formally recognized The National D-Day
21 Museum as its official partner in a Patriotic Alliance
22 signed on October 16, 2002, by both museums.

23 (19) The official Battle of the Bulge museums
24 in Luxembourg and the American Battlefield Monu-
25 ments Commission are already collaborating with

1 The National D-Day Museum on World War II exhi-
2 bitions.

3 (20) For all of these reasons, it is appropriate
4 to designate The National D-Day Museum as
5 “America’s National World War II Museum”.

6 (b) PURPOSES.—The purposes of this section are,
7 through the designation of The National D-Day Museum
8 as “America’s National World War II Museum”, to ex-
9 press the United States Government’s support for—

10 (1) the continuing preservation, maintenance,
11 and interpretation of the artifacts, documents, im-
12 ages, and history collected by the museum;

13 (2) the education of the American people as to
14 the American experience in combat and on the home
15 front during the World War II years, including the
16 conduct of educational outreach programs for teach-
17 ers and students throughout the United States;

18 (3) the operation of a premier facility for the
19 public display of artifacts, photographs, letters, doc-
20 uments, and personal histories from the World War
21 II years (1939–1945);

22 (4) the further expansion of the current Euro-
23 pean and Pacific campaign exhibits in the museum,
24 including the Center for the Study of the American
25 Spirit for education; and

1 (5) ensuring the understanding by all future
2 generations of the magnitude of the American con-
3 tribution to the Allied victory in World War II, the
4 sacrifices made to preserve freedom and democracy,
5 and the benefits of peace for all future generations
6 in the 21st century and beyond.

7 (c) DESIGNATION OF “AMERICA’S NATIONAL WORLD
8 WAR II MUSEUM”.—The National D-Day Museum, New
9 Orleans, Louisiana, is designated as “America’s National
10 World War II Museum”.

11 SEC. 8118. NATIVE AMERICAN VETERAN HOUSING
12 LOANS. (a) Title I of Division K of the Consolidated Ap-
13 propriations Resolution, 2003 (Public Law 108–7) is
14 amended by striking out “expenses: *Provided*, That no new
15 loans in excess of \$5,000,000 may be made in fiscal year
16 2003.” from the paragraph under the heading “Native
17 American Veteran Housing Loan Program Account” and
18 inserting in lieu thereof “expenses.”.

19 (b) The amendment made by subsection (a) of this
20 section is effective on the date of the enactment of Public
21 Law 108–7, February 20, 2003.

22 SEC. 8119. Of the funds made available in chapter
23 3 of title I of the Emergency Wartime Supplemental Ap-
24 propriations Act, 2003 (Public Law 108–11), under the

1 heading “Iraq Freedom Fund”, \$3,157,000,000 are here-
2 by rescinded.

3 SEC. 8120. (a) LIMITATION ON USE OF FUNDS FOR
4 RESEARCH AND DEVELOPMENT ON TERRORISM INFOR-
5 MATION AWARENESS PROGRAM.—Notwithstanding any
6 other provision of law, no funds appropriated or otherwise
7 made available to the Department of Defense, whether to
8 an element of the Defense Advanced Research Projects
9 Agency or any other element, or to any other department,
10 agency, or element of the Federal Government, may be
11 obligated or expended on research and development on the
12 Terrorism Information Awareness program.

13 (b) LIMITATION ON DEPLOYMENT OF TERRORISM
14 INFORMATION AWARENESS PROGRAM.—(1) Notwith-
15 standing any other provision of law, if and when research
16 and development on the Terrorism Information Awareness
17 program, or any component of such program, permits the
18 deployment or implementation of such program or compo-
19 nent, no department, agency, or element of the Federal
20 Government may deploy or implement such program or
21 component, or transfer such program or component to an-
22 other department, agency, or element of the Federal Gov-
23 ernment, until the Secretary of Defense—

24 (A) notifies Congress of that development, in-
25 cluding a specific and detailed description of—

1 (i) each element of such program or com-
2 ponent intended to be deployed or implemented;
3 and

4 (ii) the method and scope of the intended
5 deployment or implementation of such program
6 or component (including the data or informa-
7 tion to be accessed or used); and

8 (B) has received specific authorization by law
9 from Congress for the deployment or implementation
10 of such program or component, including—

11 (i) a specific authorization by law for the
12 deployment or implementation of such program
13 or component; and

14 (ii) a specific appropriation by law of funds
15 for the deployment or implementation of such
16 program or component.

17 (2) The limitation in paragraph (1) shall not apply
18 with respect to the deployment or implementation of the
19 Terrorism Information Awareness program, or a compo-
20 nent of such program, in support of the following:

21 (A) Lawful military operations of the United
22 States conducted outside the United States.

23 (B) Lawful foreign intelligence activities con-
24 ducted wholly against non-United States persons.

1 (c) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) the Terrorism Information Awareness pro-
4 gram should not be used to develop technologies for
5 use in conducting intelligence activities or law en-
6 forcement activities against United States persons
7 without appropriate consultation with Congress or
8 without clear adherence to principles to protect civil
9 liberties and privacy; and

10 (2) the primary purpose of the Defense Ad-
11 vanced Research Projects Agency is to support the
12 lawful activities of the Department of Defense and
13 the national security programs conducted pursuant
14 to the laws assembled for codification purposes in
15 title 50, United States Code.

16 (d) DEFINITIONS.—In this section:

17 (1) TERRORISM INFORMATION AWARENESS
18 PROGRAM.—The term “Terrorism Information
19 Awareness program”—

20 (A) means the components of the program
21 known either as Terrorism Information Aware-
22 ness or Total Information Awareness, any re-
23 lated information awareness program, or any
24 successor program under the Defense Advanced

1 Research Projects Agency or another element of
2 the Department of Defense; and

3 (B) includes a program referred to in sub-
4 paragraph (1), or a component of such pro-
5 gram, that has been transferred from the De-
6 fense Advanced Research Projects Agency or
7 another element of the Department of Defense
8 to any other department, agency, or element of
9 the Federal Government.

10 (2) NON-UNITED STATES PERSON.—The term
11 “non-United States person” means any person other
12 than a United States person.

13 (3) UNITED STATES PERSON.—The term
14 “United States person” has the meaning given that
15 term in section 101(i) of the Foreign Intelligence
16 Surveillance Act of 1978 (50 U.S.C. 1801(i)).

17 SEC. 8121. Notwithstanding any other provision in
18 this Act, the total amount appropriated in this Act is here-
19 by reduced by \$125,000,000 to limit excessive growth in
20 the procurement of advisory and assistance services, to be
21 distributed as follows:

22 “Operation and Maintenance, Defense-Wide”,
23 \$45,000,000;

24 “Research, Development, Test and Evaluation,
25 Navy”, \$40,000,000; and

1 “Research, Development, Test and Evaluation,
2 Defense-Wide”, \$40,000,000:

3 *Provided*, That these reductions shall be applied propor-
4 tionally to each budget activity, activity group and sub-
5 activity group and each program, project, and activity
6 within each appropriation account.

7 SEC. 8122. None of the funds appropriated in this
8 Act shall be used to study, demonstrate, or implement any
9 plans privatizing, divesting or transferring of any Civil
10 Works missions, functions, or responsibilities for the
11 United States Army Corps of Engineers to other govern-
12 ment agencies without specific direction in a subsequent
13 Act of Congress.

14 SEC. 8123. None of the funds provided in this Act
15 may be used to pay any fee charged by the Department
16 of State for the purpose of constructing new United States
17 diplomatic facilities.

18 This Act may be cited as the “Department of Defense
19 Appropriations Act, 2004”.

Calendar No. 188

108TH CONGRESS
1ST SESSION

S. 1382

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

JULY 9, 2003

Read twice and placed on the calendar